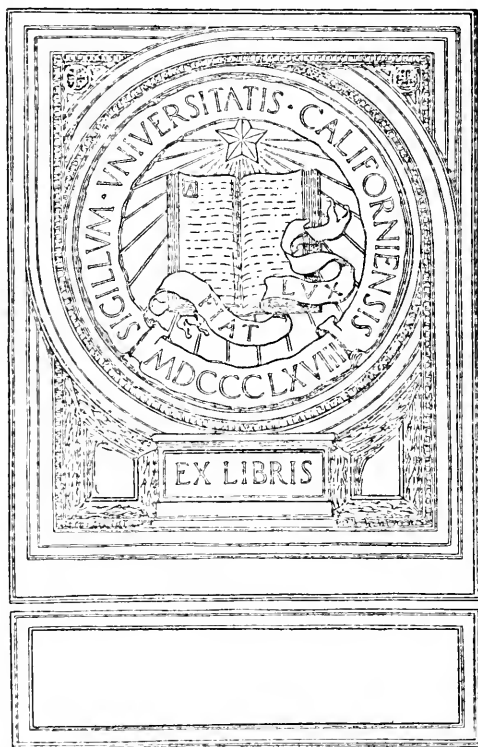




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**THE GOVERNMENT**  
**OF**  
**HUDSON COUNTY**  
**NEW JERSEY**

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**BY**  
**EARL WILLIS CRECRAFT, M.A.**

"SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE  
OF DOCTOR OF PHILOSOPHY, IN THE FACULTY OF POLITICAL  
SCIENCE, COLUMBIA UNIVERSITY."

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**JERSEY CITY, N.J.**  
**1915**



**THE GOVERNMENT**  
**OF**  
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**NEW JERSEY**

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**JERSEY CITY, N.J.**  
**1915**

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## CHAPTER I

### INTRODUCTORY

Hudson County is one of the two counties of the first class in the State of New Jersey.<sup>1</sup> In point of population it is the largest county in the State but in respect to its area it is the smallest.<sup>2</sup> The cost per inhabitant for the government of the county in 1913 was \$3.30, which was an increase of \$1.32 per capita since 1908. The per capita wealth of the county in 1913 was \$977.68, and in 1908 was \$820.85, showing an increase of \$106.83 in the per capita wealth of the county for a period of five consecutive years. The county has had a rapid growth both in population and in economic wealth and the prospects are favorable for a still greater development due to its position as near neighbor to the City of New York, just across the Hudson.<sup>3</sup>

While Hudson County has grown to be the most populous of the twenty-one counties of the State, its history as a separate political unit dates from a much later period than that of the older counties of New Jersey. The first appearance of any county as a unit of local government in New Jersey was in 1675. Hudson County, however, did not become a separate county until 1840. In the colonial period, distinct county functions first take root in the "Concessions" of 1665, which may be

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<sup>1</sup>Essex County is also a county of the first class. Its population in 1910 was 512,886. For legislative purposes all counties in New Jersey are divided into four classes. Those having a population above 300,000 are of the first class; those having between 50,000 and 300,000 are of the second class; those having between 20,000 and 50,000 are of the third; and those having a population under 20,000 are of the fourth class.

<sup>2</sup>The population of Hudson County in 1910 was 537,231. The total area is 38,709 acres, or about sixty square miles.

<sup>3</sup>The County of Hudson and the City of New York lie parallel on opposite sides of the Hudson.

regarded as comprising the first charter of the province.<sup>4</sup> By the Concessions the assembly was granted the right to establish courts, limit their jurisdiction, and appoint the executive officers for the courts.<sup>5</sup> In accordance with the charter the assembly passed the act of 1675 which made provision for a county judiciary. "At the same time," says Howard, "four counties were somewhat vaguely defined, each with a county court or court of sessions meeting twice a year."<sup>6</sup>

The several administrative officers which were soon added to the county courts of the colonial period, were the sheriff and the county treasurer, or collector, as he came to be known later. It is interesting to note that the early judicial bodies exercised certain administrative functions relating to the assessment of property for taxation and the building of county jails. In assessing property for taxation the county authorities co-operated with the local assessors in the several towns. This presents a feature of local government which has been pointed out as constituting an important precedent for the mixed town and county system of local rural government which extends so widely in the United States to-day.<sup>7</sup> The functions of the courts were further developed as the county government gradually took shape. General sessions of the peace and courts of common pleas were established from which appeals might be taken to the supreme court of the colony. In 1704 definite county

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<sup>4</sup>Howard; *Local Constitutional History of the United States*, Vol. 1, page 365-368.

<sup>5</sup>*Ibid.* Text of "Concessions;" Leaming & Healy Coll, pg. 1-25. Other references: Field, *Provincial Courts of New Jersey*, in *Coll. of the New Jersey Historical Society*, Vol. 3; *New Jersey Archives* 1; Scott, *Influence of the Proprietors in Founding New Jersey* 7-22.

<sup>6</sup>The four counties were Essex, Middlesex, Monmouth and Bergen, from which latter county Hudson County was finally separated by act of the legislature in 1840. A separate county government for Hudson County was established in 1843.

<sup>7</sup>Scott; *Influence of Properties*, pg. 19-23; Howard, pg. 367. Professor Howard says: "Thus in 1686, rates for highways, laid out by the county commissioners appointed by the general assembly, and taxes for all other public purposes within the limits of the town, were to be levied by four or five assessors elected by the people of each town; and the justices of the county court were authorized, with the consent of a majority of the assessors, to approve, amend, and confirm the same."

government was provided for the colony by the Ordinance of Lord Cornbury.<sup>8</sup>

The mixed town and county system of local government, therefore, developed quite early in New Jersey. The justices of the peace, like their English prototype, performed administrative functions as well as judicial. They were given the authority to work in co-operation with the town officials in financial matters. In 1693, "each town in the county was empowered to choose one or more men to join with the justices of the county court, annually, to adjust the debts of the county and assess taxes for their payment."<sup>9</sup> The association of these two groups of officials working together developed into the county boards composed jointly of justices of the peace and of chosen or elected "freeholders" representing the several towns.

The freeholders and the justices were authorized to choose a county collector to act as the receiver of taxes for the county; they were also empowered to assess property for purposes of taxation. The county collector was held responsible for the collection of taxes and might sue the collectors of the local town governments for non-payment of their respective share of the county taxes. The justices were directed to sell the property of citizens who became delinquent in the payment of their taxes. The expenses of the county governments were small and the taxes were of minor importance to the town expenditures.

The freeholders and the justices were empowered to supervise the construction of a county jail and a building for the county court. Such authorization usually was given to the counties by a special act of the assembly; this act outlined the procedure for the county officers to follow. The justices and the freeholders might decide first on the need for a jail or court house. An election might then be held to determine the location of the pro-

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<sup>8</sup>For this general subject see Field, *The Provincial Courts of New Jersey*, Appendix C of which contains the Ordinance of Lord Cornbury.

<sup>9</sup>Scott; *Influence of the Proprietors*, pg. 22. Fairlie; *Local Rural Government in Counties, Town and Villages*, p. 29.

posed building. The matters of determining the cost, the method of assessment on the taxpayers and the work of construction were also left to the county boards.<sup>10</sup>

From the first the method of selecting freeholders from the municipalities was by election. The system of individual town representation on the county boards was introduced at an early date, and was allowed to continue long in operation. Recently, however, it has given way to a system of county boards which are composed of a few members elected on a ticket at large.<sup>11</sup> The practice of giving representation to the several municipalities on the county taxing board was an influential moulding force on the local institutions of the early colonial government. If the county boards were to exercise the right of assessment and taxation of property owners in the several towns, the latter insisted on the right of representation on the county boards; this was granted.<sup>12</sup>

The colonial legislature of New Jersey created counties at will; and by the time the colonies had declared their independence, we find thirteen counties in existence. The procedure in creating the new counties was similar to that in practice at the present time. The inhabitants of the particular locality were required first to petition the legislature for a separate county government. The legislature might then respond with an act to that effect. This act would designate the boundaries, determine its representation in the Assembly, grant the local authorities power to construct the necessary county buildings, and extend broadly the operation of all existing laws to the new county, in so far as these might ap-

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<sup>10</sup> Leaming & Spicer Collection Early Laws of New Jersey, p. 268, also p. 350.

<sup>11</sup> Laws 1912, Chapter 158. The provisions of this act have been adopted in Hudson County. See Chapter 3, *Infra*.

<sup>12</sup> Thus in 1843, three years after Hudson County was separated by act of the legislature, we find each township represented on the county board as follows:

Bergen Township .....	2 Freeholders
Jersey Township .....	2 Freeholders
Van Vorst Township .....	2 Freeholders
North Bergen Township .....	2 Freeholders
Harrison Township .....	2 Freeholders

ply to counties in general.<sup>13</sup> Eight counties have been created in New Jersey since the colonies declared their independence, and during all this time the state has had but two constitutions. In both of these instruments the details of county government have been omitted. The legislature has constantly exercised the authority to modify and determine the institutions of local rural and urban government.<sup>14</sup>

The present constitution of New Jersey, including amendments, makes little reference to the institutions of local county government; indeed it cannot be considered as much as a guide to the legislature. The legislature, as a result, may classify counties and adapt different features of county government to the several classes. In this respect the situation in New Jersey is commendable when taken in contrast to the situation in New York, where the state constitution expressly prevents any classification of counties, and where populous counties like Erie and Westchester must be governed in conformity to general laws which apply to all counties alike, regardless of widely varying local conditions.

In another respect, however, the situation as regards legislative discretion in governing counties in New Jersey is open to severe criticism. The legislature is tempted to interfere too much with the details of county and city government. Although the constitution expressly forbids the enactment of special and local laws "regulating the internal affairs of towns and counties; appointing local offices or commissions to regulate municipal affairs," the spirit of this prohibitive clause is violated in actual practice.<sup>15</sup> The legislature enacts measures which are drafted so as to apply to counties and cities as a class, but which in actual practice often affect and are intended to affect one county or municipality. By a series of judicial decisions the courts have up-

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<sup>13</sup> For an example, see Act of the Assembly creating County of Sussex, Acts of Province of New Jersey 1753, page 20.

<sup>14</sup> Constitutions 1776 and 1854.

<sup>15</sup> Constitution, Art. 4; Sec. 7; par. 11.

held this practice of the legislature.<sup>16</sup> It may be pointed out in this connection that the courts of New Jersey in comparison with other states have gone to the extreme in upholding the constitutionality of legislation the practical effect of which is to interfere with the internal affairs of some one county or municipality. For any abuses resulting from this practice responsibility must rest with the judiciary as well as with the legislature.

The constitution is silent in regard to such county institutions as the board of chosen freeholders, the supervisor, and the score of administrative boards, commissions and officers. It does require, however, that "sheriffs and coroners shall be elected by the people of their respective counties, at elections for members of the general assembly" and that these officers shall hold office for three years.<sup>17</sup> It is also provided in the constitution that county clerks and surrogates shall be elected in each county who shall hold office for five years. But aside from providing for the officers of the court, the general plan of county government is left to the legislative discretion and may be changed from time to time by the legislature without encountering serious constitutional difficulties. Thus it would seem that nothing in the constitution would forbid the introduction of commission form of government for counties in New Jersey.

Under the State constitution each county is permitted to elect one member of the state senate.<sup>18</sup> In former times this provision operated equally on the several counties of the state. Counties then were more uniform in population and wealth, and the constitution-makers of the state of New Jersey followed the example of the

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<sup>16</sup> A digest of these cases is given in the New Jersey Digest, Vol. 6, under "statutes," Sec. 19-22. In *Dickenson v. Board of Freeholders* (71 N. J. 159) it was held that where the population bears a reasonable relation to the subject matter, legislation based thereon is constitutional. Other cases where this question is discussed are *Board of Freeholders v. Clarke*, 65 N. J. L. 271, and *Mortland v. Christian*, 52 N. J. L. 521.

<sup>17</sup> Constitution Art VII, Sec. 2, Par. 6 and 7.

<sup>18</sup> Constitution; Art. 4, Sec. 2, Par. 1.



framers of the federal constitution in providing for equal representation in the upper branch of the central legislative body. Today the purpose of the constitution framers is defeated in actual practice; Hudson and Essex counties together represent almost one-half of the population of the state and about one-half of the wealth, but they are denied representation in the upper house of the legislature in proportion to their importance.<sup>19</sup> All attempts to amend the constitution have failed due to the control exercised by representatives of the smaller counties in the state senate, all of whom vote as one against any attempt at change in the present system.<sup>20</sup>

Counties in New Jersey are represented in the lower house of the state legislature in proportion to their population.<sup>21</sup> Members are elected annually from each county throughout the state and are apportioned among the several counties according to the number of their inhabitants. A new apportionment is required every ten years, but the whole number of members of the lower house shall never exceed sixty. Hudson county elects twelve members annually to serve in the Assembly. These men are elected at large, instead of by separate districts; the result of this arrangement is that the county delegation usually represents, as a unit, the strongest political party in the county. The party leaders make special effort to secure and control a united delegation of assemblymen at each election. Through ex-

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<sup>19</sup> The ratables of the state in 1914 were \$2,481,605,038, while those of Hudson and Essex counties were \$1,160,493,164. The population of New Jersey in 1910 was 2,537,167 and the combined population of Hudson and Essex was 1,640,117.

<sup>20</sup> Governor Wilson in 1911 exerted his influence for a new constitution in the state, which, among other changes, would destroy the minority rule of the smaller counties. Reviewing the situation a recent writer says: "When the State entered the work of building a new system of government for herself in 1844, adherence to the Jersey idea of 1789, led to the establishment of the upper house of the legislature, on the same basis of equal representation for the counties. The subject was not of such importance at that time, because none of the counties were over large; they were a family of little communities, and the charter builders readily agreed to the proposition that each county should have one, and only one seat in the state senate." Sackett's "Modern Battles of Trenton;" p. 386.

<sup>21</sup> Con. Art. IV, Section 3.

tra-legal means the county often regains "influence" by a unit delegation in the lower house in proportion to the loss it encounters through under-representation in the senate.

In certain aspects, state centralization of control over counties has been developed, to a more advanced stage in New Jersey than in the majority of states.<sup>22</sup> However, the two counter tendencies, first, of centralized control over local affairs by the state, and second of greater self-government by the local county and municipal authorities, are discernible in this State as elsewhere. The constitutional provision requiring equal representation of all counties in the senate has assisted the centralizationists in state control over the larger counties; the larger counties have been at the mercy of the smaller. The legislatures have frequently enacted legislation affecting the internal government of the large counties which the latter claimed should be a matter for their own regulation. The fact that Hudson County has always been a stronghold for one political party, while the legislature for twenty years has been under the control of the rival party, has increased the antagonism between the state and county governments.

The five Hudson River counties, with Hudson County in the lead, have rapidly grown in population and wealth until their influence in state affairs has become powerful; especially is this true of matters which touch their mutual interests and which call for their joint action. The state has necessarily had to develop powers correspondingly great in order to perform properly the functions belonging to it. Among the functions of county government which have been made the subject of regulation, directly or indirectly, by act of the legislature, are assessment of property for taxation, election, park and highway matters, jury reform, care of orphans, besides many other functions. In most cases the object of the legislature has been to secure uniformity of regulation. But there are many county mat-

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<sup>22</sup> See Chs. VIII, and VI.

ters which might be made uniform throughout the state which have not yet been acted upon by the legislature.<sup>23</sup>

In certain political aspects, Hudson County as a distinct unit may be worthy of rank with many of our state governments. The organization of the county government bears close similarity to the organization of state governments; that is to say, the county government is modeled somewhat after the classical plan of separating the three powers, executive, legislative and judicial. Furthermore in certain economical aspects, the county will bear comparison with many of the more dignified political units recognized as "States" by the Federal Constitution. For example, the budget of Hudson County is equal to and in some cases is greater than the budget of such states as Arizona, Arkansas, Colorado, Idaho, Maine, Mississippi, Montana, New Hampshire and Tennessee; it is twice as great, furthermore, as the annual appropriations, respectively, of South Carolina, Vermont and Utah.<sup>24</sup> The county bonded debt is greater also than that of forty-five out of the forty-eight states in the Union. The population also is equal to if not greater than that of such states as Rhode Island, New Hampshire, North Dakota, South Dakota, Oregon, Vermont, Montana, Idaho, New Mexico, Utah, Delaware, Arizona, Wyoming and Nevada.<sup>25</sup>

From an enumeration of such facts it appears that the responsibilities placed upon the officials of Hudson County are as great if not greater than those placed upon officials of many states. It would seem, therefore, that the same care should be used in selecting good men for the county government as in choosing officials for the more highly respected governments of the states. In view of this, furthermore, the opportunity for public service in the county should be just as attractive to men of ability as the public service of the state. The best men

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<sup>23</sup> New Jersey has as yet no law providing for a uniform accounting system for municipalities.

<sup>24</sup> American Year Book—1913 Financial Statistics of States, p. 185 ff.

<sup>25</sup> Ibid.

in the community should be placed in charge of the county machinery.<sup>26</sup>

The importance from a political and economic viewpoint of Hudson County may be more readily appreciated when we stop to consider the compact nature of its physical composition. The urban population of the county is continuous. There are in all, thirteen separate municipalities in the county and no one section of the whole could be regarded as a rural neighborhood. It is difficult for the outsider to ascertain where one municipality begins and where another leaves off. The county government is a sort of superstructure, and as such, rests upon numerous municipal governments. Each of these separate municipal governments, like that of the county also, is thoroughly active in all its branches, and there is a great amount of unnecessary expense to the taxpayers due to the duplication of municipal functions by the county and municipal governments.<sup>27</sup>

There is, furthermore, much variety in the forms of municipal government to be found within the limits of this county. The largest municipality, Jersey City, has been under commission government rule for three years, having adopted the provisions of the Commission Gov-

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<sup>26</sup> In a voters' directory published by the Citizens Federation of Hudson County in November, 1914, short sketches of each candidate for election were presented as follows:

**SHERIFF**

EUGENE F. KINKEAD (Dem.), 292 Harrison Avenue. Jersey City, where a resident for thirty-four years. Born in County Cork, Ireland, 1876. Education, Seton Hall College. Business, president Jersey Railway Adv. Co. and Orange Publishing Co.; secretary Miles Tighe Contracting Co. Has held position as alderman, president of Board of Aldermen of Jersey City and congressman for three terms. Points to his record and states that he would devote much of his time to the youthful prisoners in the county jail.

CHARLES A. MOHN (Rep.), 312 Division St., West Hoboken, where a resident for twenty-three years. Born in New York City, 1863. Educated Martha Institute, Hoboken. Business, plumbing, heating and roofing. Was councilman for one year and mayor for three terms in West Hoboken. Points to his record as Mayor of West Hoboken and as a business man.

<sup>27</sup> Essex county presents much the same duplication of municipal functions by the county and municipal governments. "See Counties of the First Class" by Winston Paul and H. S. Gilbertson, Proceedings Amer. Pol. Science Association, February, 1914, p. 292.

ernment Act<sup>27</sup> of 1911 by popular referendum. Hoboken, and Bayonne have both recently voted in favor of commission government; thus at the present time the three largest municipalities in the county have commission government. Jersey City is a city of the first class, the other two municipalities are cities of the second class. All three have, until recently, been operating under the old charters which provide a governing body for each composed of a mayor and council.

West Hoboken, West New York, Union, Kearny and Harrison fall within the class of municipalities known as towns. None of these town governments overlap, and each one is operating under the general acts relating to town government.<sup>28</sup> Town governments are composed of an elective town council and a councilman-at-large, or mayor. The town council appoints the necessary administrative officers and enacts ordinances for the town government.<sup>29</sup> The town differs from the cities of the second class in only minor matters of government. The separate classification exists chiefly for convenience in regard to financial legislation respecting the municipalities.

In close relation to the towns are the townships, of which there are three in Hudson County. The towns and townships are entirely separate and there is no overlapping with other municipalities. The township governments are in the hands of a small elective council of three to five members. The chairman of the council is elected by the members; there is no office of mayor. Administrative officers are appointed and local ordinances are enacted by the township council.<sup>30</sup>

There are also two boroughs in Hudson County, both of which are boroughs of first class.<sup>31</sup> The boroughs, like the other municipalities, are bodies corporate with

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<sup>27</sup> Laws 1895, page 223.

<sup>28</sup> Other elective town officers are the clerk, collector and the assessor. The appointive officers of the council are the attorney, treasurer, recorder, overseer of the poor, etc.

<sup>29</sup> The township council appoints an attorney, engineer, and physician.

<sup>31</sup> Boroughs are divided into three classes; those having 3,000 inhabitants and over are of the first class.

power to sue and be sued. They are governed by a small elective council. The smallest unit of local municipal government in New Jersey is the borough; a New Jersey borough is the same as a village elsewhere.

This description of the component parts of Hudson County is not made with a purpose to magnify the local situation in comparison with other populous counties where cities and county are coterminous. The purpose is to emphasize the fact which has received the attention of political scientists of late, namely, that some readjustment must be made in counties where, just as in Hudson, the municipal and county jurisdictions have become coextensive.<sup>32</sup> The situation wherever presented is one which calls for a readjustment of governmental functions between the county and the municipalities. In certain places law makers have abolished parts of the county structure and placed those remaining parts under the fiscal control, at least, of the city government.<sup>33</sup> This change has been made in counties where, like New York, the limits of the principal city have gradually spread over the whole county. In other places—a notable example is Alameda County, California—the problem of reform presents a somewhat different aspect, because there may be one, or several large municipal units within the limits of the one county. In such instances, any changes suggested must be along the lines of a federated city-county government, since no one city among the group can claim to have entirely supplanted the county.

Hudson County, in so far as it lends itself to recon-

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<sup>32</sup> Report of the City-County Committee, Proc. American Political Science Association, February 1914, p. 281. The Government of Alameda County, California. Annals American Academy Political Science, May 1913. Page 237. Bramhall, Cook Co. and Chicago, Proceedings A. P. S. A., Vol. 3, 1912. Hornell, The City and County in Mass., Proc. A. P. S. A., Vol. 3, 1912. Long, Consolidated City and County Government of San Francisco, same citation. A. Ludington, The Relation of County to City Government in New York, same citation. Woods, The Separation of City and County Governments in St. Louis, same citation.

<sup>33</sup> In the annual budget of the city of New York provision is made for the maintenance of five separate county governments which have been merged in the city.

struction falls within the latter class.<sup>34</sup> The strongest argument, however, for a reorganization of the county and municipal government rests principally on the ground of economy and efficiency. Money is being wasted each year by duplicating appropriations in the county and in each of the municipal budgets for many functions such as health, parks, police, etc.<sup>35</sup> The following table represents all appropriations for governmental purposes by county and cities for the year 1913:

TAXING DISTRICT	BUDGET	POPULATION
1. Jersey City .....	\$3,633,357.93.....	267,779
2. Hoboken .....	846,416.73.....	70,324
3. Bayonne .....	718,356.23.....	55,545
4. North Bergen .....	155,765.00.....	15,662
5. Secaucus .....	22,755.00.....	4,740
6. West Hoboken .....	220,272.74.....	35,403
7. West New York .....	164,938.56.....	13,560
8. Union .....	104,400.00.....	21,023
9. Weehawken .....	176,882.72.....	11,228
10. Guttenberg .....	41,300.00.....	5,647
11. Kearny .....	232,383.38.....	18,659
12. Harrison .....	112,899.07.....	14,498
13. East Newark .....	24,235.00.....	3,163
14. Hudson County .....	\$2,865,252.71.....	537,231

Since Jersey City, the largest municipality, covers one-half of the county, any consolidation of municipal and county government would have to take into account the other municipalities as well. It is generally recognized by those who are seeking to bring about a consolidation of county and municipal government in Hudson that consolidation of municipalities must come first.<sup>36</sup>

Such a plan is supported by the press; the Jersey

<sup>34</sup> Essex County also is composed of a group of municipalities; but it extends over a greater area than its near neighbor.

<sup>35</sup> Of the two New Jersey Counties, the committee of A. P. S. A. says: "Your committee feels that this situation warrants the creation of a single county legislative body. In many cases this body could be created on the federal plan. It believes that the federal plan would be better than election at large because public opinion and scrutiny have already been focussed upon the mayors and elective officials of the city on the one hand and upon the elective officials of the township on other governmental unit representing farmers' interests on the other hand." p. 284, Proceedings, Feb. 1914.

<sup>36</sup> A law was passed in 1915 permitting a popular referendum as a means of getting an expression of public opinion on the question of a consolidation of municipalities.



Journal says: "Consolidation of the towns would be beneficial to them, but a general consolidation of the county into a single municipality would be the best thing that could happen in this direction. General consolidation would eliminate the freeholders and all their dependents and save one-half of the county expense and possibly one-half of the local government expense as well."<sup>37</sup> Again, "The North Hudson town would gain incalculably by consolidation. By reducing the number of governments a great many duplicate offices would be abolished."<sup>38</sup>

Ex-Judge Robert Carey also advocates a consolidation of the municipalities as the first step. His plan of reconstruction amounts to an eventual consolidation of the municipal and county government into one large municipal unit.<sup>39</sup> He says: "A big step toward the desired end would be the consolidation of the North Hudson municipalities, with a charter similar to that now enjoyed by Jersey City. There would then be four such cities in Hudson and the amalgamation would be comparatively easy.....If the North Hudson towns should consolidate, there would be four big boroughs in our county available for consolidation in the big city of the future."<sup>40</sup> As a plan of government for the new city Judge Carey makes the following suggestion: "First, there could be elected every four years five commissioners at large. These five to constitute the executive and administrative board of the city. Second, each borough could elect a borough president. The borough presidents and the five commissioners elected at large could constitute the legislative board of the city. This would present a democratic system and an efficient system. The borough presidents could be made the deputy

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<sup>37</sup> January 2, 1915.

<sup>38</sup> January 23, 1915.

<sup>39</sup> Letter to the Hudson Observer, Jan. 6, 1915.

<sup>40</sup> Hudson County naturally is divided into three sections popularly called North Hudson, South Hudson and West Hudson. By a consolidation of municipalities in each of these sections, the county would be composed of three or four large municipal units, instead of the thirteen at the present.

administrative officers for each borough and could be obliged to supervise and superintend matters strictly local to a borough. . . . . Each borough president could be empowered to select a borough advisory board of three."

Such comments are indicative of a general movement for some kind of consolidation at least, which will eventually bring about one single government for the fourteen distinct governments in the county at present. The government of Hudson County at present is so complex and covers such a wide range of activity that it is the purpose of the following chapters to describe the county government in detail so as to show what the county government is, what it does, what it costs, and why it costs.

## CHAPTER II

### THE COUNTY SUPERVISOR

Whatever may have been the real purpose of the legislature in creating the office of county supervisor for the two counties of Hudson and Essex, the fact remains that, with its creation, the two counties benefited by the legislative action. Before the act of 1900 was passed there was no one official in the county to whom the public could look as the chief executive officer of the county.<sup>1</sup> Before the adoption of the act, there was no one official who had the power to direct the policy of the widely scattered and disjointed departments of the county government.<sup>2</sup> The act of 1900 gives to the county executive the power to supervise the county's affairs. The law states that he shall be the "chief executive officer of the county." Since the act was passed there have been few instances where the incumbent in office has actually utilized his full authority under the law. In the great majority of cases the county supervisor has scarcely risen above the controlling majority in the Board of Chosen Freeholders. Where he has asserted his strength, however, the results have been for the betterment of conditions obtaining in the county government.<sup>3</sup>

The act of 1900 provided for the election of the county supervisor by the voters of the county at large. At that time the Board of Chosen Freeholders was made up of a

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<sup>1</sup> The sheriff of the county is still an important executive officer but his powers are chiefly ministerial as an officer of the courts. See Chapter 8, *Infra*.

<sup>2</sup> The Director of the Board of Freeholders was merely a presiding officer. *Infra*, Ch. 3.

<sup>3</sup> For corroborative statement as regards actual experience in Essex and Hudson Counties see an article on "Counties of the first class in New Jersey" by H. S. Gilbertson and W. Paul, *Proceedings American Pol. Science Assoc.*, February 1914, p. 294.

large membership composed of representatives elected by the individual municipalities or by the political divisions of a municipality. The supervisor was placed in an unique position in thus being permitted to represent the county as a whole, and he soon became the most conspicuous figure in the county administration.<sup>4</sup> The act of 1900 provides that he shall be elected for a term of two years and shall take office on the first Monday in December. He is elected at the general election in November. On assuming the duties of his office the supervisor must take oath to perform properly his legal duties, must give bond and file same with the county clerk. He may then proceed to notify the Board of Chosen Freeholders of his entry into office. The supervisor's salary is \$2,500 per year.<sup>5</sup>

The chief executive is required by law "to be vigilant and active in causing the laws and ordinances of the county to be executed and enforced."<sup>6</sup> Under this provision the supervisor is charged solely with executive powers. He must see to the enforcement of all laws pertaining to the county government, and it is his legal duty also to see that all resolutions of the Board are enforced. Since many of the resolutions of the Freeholders create subordinate officers and prescribe official duties, it is the business of the supervisor to see that these are performed properly. In this, the law again comes to his assistance; it states that it shall be his duty "to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints made against any of them for violation or neglect of duty." Furthermore,

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<sup>4</sup>For a period Hudson County had formerly a Director who was elected at large. The director's powers, however, were inferior to those of the present chief executive officer. *Infra*, Chapter 3.

<sup>5</sup>A bill was introduced in the legislature in February, 1915, to raise the salary of the county supervisor from \$2,500 to \$4,000. The Hudson Observer, commenting on the proposed increase, said: "It must be admitted that the Mayor, so to speak, of the great county of Hudson ought to get more than \$2,500 a year....If he gives all his time to the affairs of the county he could save the people several times the compensation which it is now proposed to give him. He is the worst paid official in the State." February 3, 1915.

<sup>6</sup>Laws 1900, Ch. 89.

“if it is found that any officer is guilty of the charges brought against him, the county supervisor may suspend or remove him as the case may seem to require.”<sup>7</sup> Thus the supervisor may exercise the important power of removal over the “subordinate officers.” A few illustrations of the use of the power of removal may serve to show the extent of his authority.

In December, 1913, upon assuming the office, Supervisor James F. O’Mealia made an examination into the working force of the county, and, upon such information as he was able to obtain, communicated to the Board of Freeholders that he had suspended sixty-three of the county’s employees. His reasons were set forth at length, but in the main the cause for suspension was, he stated, “failure to perform proper services,” and because many of the positions were “unwarranted and an unnecessary expense to the county.”<sup>8</sup> He said, “I have found men classified as engineers who have absolutely no knowledge of an engine, also men classified as high class mechanics who have been doing nothing but roll ashes.”<sup>9</sup> The name of each employee, the title of his official position, the salary received, and the reason for suspension in each case were set forth in a detailed statement to the board.<sup>10</sup>

The action of the supervisor was approved by the Freeholders in a resolution providing, “That the recommendation of the County Supervisor, as to the abolishment of the several positions and offices named in the annexed list, be and the same is concurred in, and the said positions or offices be declared vacant, and the same are hereby abolished for the respective reasons given in each case by the County Supervisor.”<sup>11</sup> While the conditions which the supervisor described were matters for the State Civil Service Commission to report and

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<sup>7</sup> Ibid.

<sup>8</sup> Minutes Freeholders, December 1913, January 1914 et seq.

<sup>9</sup> All county employees are classified under the State Civil Service Act of 1908. *Infra*, Ch. 7.

<sup>10</sup> Minutes of Freeholders, January 6, 1913, page 8. The total salaries of those suspended amounted to \$57,360.00 per year.

<sup>11</sup> Minutes of Freeholders, January 6, 1913, page 8.

remedy, the supervisor was acting entirely within his rights in suspending all employees whose classifications under the county service did not correspond with the duties which they actually performed or failed to perform. The positions were unnecessary.

This action constituted a very important precedent in the application of the supervisor's power to suspend.<sup>12</sup> While it is true that in this instance all of the officers and employees suspended were holding "inferior" positions of service, it does not follow that the higher salaried officers who have been appointed and whose salaries are fixed by the Board of Chosen Freeholders, may not be included among "subordinate officers" whom the supervisor is permitted by law to suspend or remove.<sup>13</sup>

Suspensions and removals, however, cannot be made by the supervisor for political reasons because such action is forbidden by the provisions of the civil service act.<sup>14</sup> But, for any "violation or neglect of duty," the supervisor may exercise the right to remove or suspend subordinate officers. The final interpretation of the law in this respect, however, is a matter to be reviewed by the courts. Since the supervisor has as yet made no adequate test of his power of removal it cannot be said that the courts have determined the scope of this power in any case coming before them. To exercise an intelligent supervision over all of the county institutions, offices and departments, the supervisor needs a subordinate agency in his office which will perform the same services in respect to examining departments at his bidding, as are performed for the mayor of the city of New York by the commissioner of accounts.<sup>15</sup> Reliable data may in this way be had on which to base suspensions and removals. No case of removal for the want of data ought

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<sup>12</sup> In this incident the supervisor went farther in exercising his full legal powers than any other supervisor preceding him had done.

<sup>13</sup> It is interesting to note that at that time a county collector, who had been indicted and convicted for misappropriating the county funds, was permitted to fill out his unexpired term, without being subject to the power of removal, either by the state or by the county.

<sup>14</sup> Laws 1908, Ch. 156.

<sup>15</sup> See suggested Bureau of Efficiency, *Infra*, Ch. 7

to be open to the charge that it was made for political reasons.

That the supervisor's power to suspend and remove officials may be crippled by action of the board of freeholders cannot be questioned. The board may approve or reject his recommendations as it pleases. In the instance to which reference has been made, the freeholders first "concurred in his action." In his message, the supervisor, in suspending the county employees had said, "You will therefore please notify all interested that such suspensions take effect at once **and for such time as the board of freeholders in their judgment shall deem necessary.**"<sup>16</sup> Subsequent events proved that the freeholders would exercise their judgment, for they began to reinstate the discharged officials as soon as the supervisor had suspended them. Thus an opportunity was lost by the supervisor to make this incident a clear cut issue between the supervisor's power to suspend and remove officers on the one hand, and, on the other hand, the power of the board of freeholders to reinstate officers.<sup>17</sup>

It is to be noted in this connection that among the several executive and administrative powers of the supervisor, there is no authorization by law or ordinance for him to exercise the power of appointing officials. It has been the continued practice of the board of freeholders not to vest any appointments in him by an ordinance or resolution. Charged with the important functions of supervising the conduct of subordinate officers and of removing incompetent officials the supervisor not only does not exercise the power of appointment but may even be hampered in the discharge of his legal duties by administrative officers appointed by an antagonistic board of freeholders.<sup>18</sup>

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<sup>16</sup> Minutes Freeholders, Dec. 1913.

<sup>17</sup> In the instance cited the Freeholders subsequently placed most of the discharged employees on the county payroll once more; and the Supervisor took no aggressive action to oppose their action.

<sup>18</sup> Such a power of appointment was placed in the president of the board in Cook County by a law of 1893. Fairlie; Local Government, p. 79.



It may be laid down as a political maxim that administrative officials, administrative boards, and commissions should be appointed by, and held responsible to one central executive authority. Thus, in the city of New York, the mayor appoints the heads of departments and the members of boards and commissions of city administration. Also in the state of New Jersey the governor appoints important administrative officers; some appointments are authorized by the constitution, others by statute. Since experience proves that such a system makes for efficiency in administration, it would seem that the chief executive of the county should not constitute an exception to a principle which is so widely recognized and approved. He should be given the authority by law or by ordinance to appoint—or at least to initiate the appointments of—the administrative officers of the county government; at present he may not even initiate appointments.<sup>19</sup> Section 3 of the act of 1900 provides that the county supervisor is empowered “to perform all such duties as may be required of him by law or ordinance.” It thus appears that it was intended that certain duties be conferred upon him by resolution or ordinance regularly passed by the board of freeholders.<sup>20</sup>

Besides performing powers of an executive and administrative nature the county supervisor may exercise certain legislative functions in connection with the board of chosen freeholders. The law gives him the power to advise legislative measures and to veto resolu-

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<sup>19</sup> The freeholders initiate all appointments and these are confirmed by resolution passed by that body. How the supervisor's power is crippled can be illustrated by an incident in the organization of the present board of freeholders. This board, acting in accordance with a law which had been repealed, appointed the chief administrative officials at their final meeting in December, 1914. The supervisor who had just taken office was not consulted in selecting the officials and could do nothing but veto the resolution. This was promptly passed over his veto.

<sup>20</sup> It is interesting to note that the freeholders have made little use of the supervisor as an administrative official of the board. The tendency has been to place administrative powers in the clerk to the board of freeholders instead.

tions.<sup>21</sup> Supervisor O'Mealia during his term of office (1912-1914) made frequent use of the right to send recommendations to the board of freeholders, and his messages supplied officials with much information for their guidance and served to command the attention of the public as well.<sup>22</sup> The message and reports of the county supervisor are usually the best sources of general information; they give an account of the general conditions of the county and recommend needed changes in all branches. Much importance is therefore to be attached to these messages for they serve to enlighten citizens, taxpayers, and public officials generally on county affairs. In the hands of an aggressive and trustworthy chief executive the right to send messages and make recommendations can be utilized to the fullest extent in improving the county government.

The county supervisor may initiate legislation in presenting to the board a resolution duly drafted, with an accompanying recommendation for the adoption of the same. While this course is not expressly made a part of the supervisor's duties by law, it has nevertheless been followed on several occasions since the office was created. A recent precedent may be noted; at the meeting of the freeholders in February, 1913,<sup>23</sup> the supervisor submitted an ordinance relating to the opening of county roads; this was received and duly passed as a resolution of the freeholders. At the same meeting the supervisor submitted another resolution which he explained had been drafted at his suggestion by the county counsel. This resolution likewise was passed.

The supervisor may veto any resolution or ordinance

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<sup>21</sup> The Act of 1900 Ch. 89 Sec. 2, provides that "he may recommend the board of chosen freeholders to pass such measures as he may deem necessary or expedient for the welfare of the county, and it shall be his duty to communicate to the board of chosen freeholders at their first annual meeting in each year and at other times when he may deem it expedient, a general statement of the condition of the county in relation to its government, finances, institutions, and improvements, with such recommendations as he may deem proper."

<sup>22</sup> See the minutes of January 4, 1914, for one example.

<sup>23</sup> Minutes of February, 1913.

passed by the board of freeholders.<sup>24</sup> In Hudson County the veto power of the supervisor is not as effective as it would appear to be from the terms of the law. This is because the board of freeholders, as constituted under the present law, are all elected by the same political party.<sup>25</sup> It is not frequent that the supervisor and freeholders disagree and when any disagreement does arise, a two-thirds majority will usually be found to pass the resolution over his veto. If the board of freeholders were elected in such a manner as to permit minority representation, its composition would as a result be more evenly divided politically. In that event the veto power of the supervisor might serve a more useful purpose than it now does, due to the present system of electing freeholders.

It is possible, however, for the supervisor to exert a certain amount of influence over the board by means of his right to veto resolutions. While he may not veto items in the tax budget he may veto it as a whole; and with a factional strife raging within the board at the time of its adoption, he may cause a temporary deadlock in the financial system.

Through his veto power the supervisor also may act as an auditor in approving or disapproving claims against the county which have passed the board of freeholders. Many of the claims are for supplies which have been furnished under contract; but besides these there are many other claims, which, unfortunately, are for supplies which

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<sup>24</sup>Laws 1900, Ch. 89, Sec. 4, provides that "Every resolution or ordinance passed by the board of chosen freeholders, duly certified by the director,.....shall be submitted to him by the clerk of said board; if he approve it he shall sign it, if not he shall return it with his objections, and file it with the clerk of the board of chosen freeholders within ten days after receiving it, and the board of chosen freeholders shall, at its next meeting thereafter enter the objections at length on the minutes of the board and shall proceed to reconsider the same, and if two-thirds of all the members of the board of chosen freeholders agree to pass the same, it shall take effect, but in every case the vote shall be taken by yeas and nays and entered in full on the minutes of the board; and if such ordinance shall not be returned within ten days as aforesaid, it shall take effect in like manner as if the county supervisor had signed it."

<sup>25</sup>That is, they are all elected at large. *Infra*, Ch. 3.

have been ordered under an indiscriminate practice in vogue called "requisitions." In allowing the latter class of claims there is need for a close scrutiny and the supervisor may act as an auditor if he is disposed to give a close application to the duties of his office. The freeholders should empower the supervisor to audit individual claims presented under the requisition system, and should be governed by his action in so auditing.<sup>26</sup>

The annual report of the county supervisor for the year 1914 contained statements which concerned respectively, the financial condition of the county, the conditions at the county institutions, and the public improvements in progress. It also contained individual reports from the superintendents of the several institutions and from the more important administrative officers of the county. While the law does not expressly state that the supervisor may require annual reports from all administrative officers and departments of the county, he may request departments to submit such reports, as incidental to the legal obligation resting upon him to communicate and make recommendations to the board of freeholders.<sup>27</sup>

As an illustration of the possibilities existing in the supervisor's extra-legal powers, we may cite the recent example of his calling on an official who is directly responsible to the state rather than to the county. Thus in 1913 Supervisor O'Mealia presented for the first time a complete and authentic valuation of all property of the county. This report was based upon the expert valuations of the secretary of the board of taxation who is not, properly speaking, a county official. In this way the supervisor was able to present a statement of the county's assets and liabilities, and the estimated surplus existing.

It can be said, furthermore, in conclusion, that the county supervisor presents a very potential agency for

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<sup>26</sup> *Infra*. Ch. 9.

<sup>27</sup> As yet there have been issued few detailed reports of county officers and departments. Among such prominent omissions may be found, the register, surrogate, clerk, sheriff, counsel, attorney, overseer, boulevard commission and county engineer. *Infra*, Chapter 10.

effecting a proper simplification of the county's governmental machinery. He is the sole officer who is charged with looking after the affairs of the county in general; and, by reason of his general information and broad knowledge of the county's affairs, he is in a position to make recommendations which command respect and attention. No other county officer possesses such a wide survey of the county institutions, finances, offices and departments. The supervisor, furthermore, may suspend and remove subordinate officers of the county. He may audit claims, may veto all resolutions including even the tax budget; he may direct public attention to points of weakness in the county administration. But while these powers may become formidable in the hands of an aggressive supervisor, there are certain functions of the office of supervisor which permit further development. He should be given the power to appoint all administrative officers now appointed by the board of freeholders. In this way responsibility may be further centered in the supervisor and he may thus become the central directing force of the county administration, and serve in the relation of business manager to the county.

## CHAPTER III

### THE BOARD OF CHOSEN FREEHOLDERS

The county board of chosen freeholders, as a political institution in New Jersey, dates from an early period in the history of the state.<sup>1</sup> We have seen that the mixed town and county system was established during the colonial period, and that each town was given representation on the county taxing boards. The early town government in New Jersey, as in New York, did not become so firmly established as did the town system in the development of local government in the New England colonies. County boards were created in New Jersey late in the seventeenth century, and each town was given representation on the county boards from the start. Fairlie tells us that, "In 1693 provision was made for the election of town assessors to assist the justices in each county in the assessment of taxes; and from these were developed the county boards of chosen freeholders."<sup>2</sup> The New Jersey system was in most respects similar to that of New York. The county boards levied the county taxes, made appropriations and controlled all expenditures.

As the towns grew to be more numerous and the counties more populous, the boards of chosen freeholders soon became larger and eventually cumbersome. Each municipality was at first given equal representation; but their growth in the course of time became so uneven that the larger cities were soon given representation in proportion to their population. Thus Hudson County in 1902 when the first reform act was passed, was governed by a board composed of local representatives from

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<sup>1</sup> *Supra*, Ch. 1.

<sup>2</sup> Fairlie, *Local Government in Counties, Towns and Villages*, p. 29.

every one of the thirteen municipalities in the county; in 1910 the board numbered thirty-one members; Jersey City, the largest city in the county, held twelve representatives elected from the city wards.<sup>3</sup> Such a large body was wholly irresponsible for the proper conduct of the county's affairs and it is little to be wondered that important functions of administration were placed in special commissions which the legislature preferred to create for the purpose, rather than rely on the board of freeholders to administer. With the creation of each commission the boards of freeholders were deprived of a part of their control over the county expenditures.

New Jersey accordingly learned from experience that the large and unwieldy county boards of freeholders were inefficient and that there was need for their reorganization. The representative feature was correct in theory but developed practical difficulties that were insurmountable. Eventually an act was passed in 1902 which would permit any county in the state to reorganize its board of freeholders. This act was adopted in a number of counties by popular referendum; under its provisions any county might vote to reduce the number of elective freeholders and to set up a smaller board. Legal difficulties arising subsequently in the application of this act, however, made it necessary for the legislature of 1912 to enact a new law, and this act is the one under which the present board of freeholders in Hudson County is operating.<sup>4</sup> Formerly the board of freeholders in Hudson County divided its work among twenty-one separate committees; now there are only nine. Formerly these committees were composed of from four to six members; now there are three members on each committee. It may be said speaking generally that conditions in the county administration have been improved since the re-

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<sup>3</sup>The county board in Hudson was larger than the State Senate and about one-half as large as the Assembly.

<sup>4</sup>Laws 1912, Ch. 158. The former act of 1902 was not adopted in Essex County until 1910. At this time a conflict arose between the act of 1902 and the civil service act of 1908. For details in this matter see Civil Service Report 1914, p. 241.

organization of the board under the new law. Individual members have given more attention to their public duties, and an improvement in the care of the county institutions is worthy of note. Public attention has been centered more upon the county government in Hudson County since the reorganization of the board of freeholders and these officials in turn have felt their responsibility to the whole county instead of to any one city or municipality.

In certain respects, however, the conditions obtaining under the old plan are still to be found. One of the arguments in favor of a small board of freeholders instead of the large body was that, with a few members, the new board would become more like a deliberative body. Experience has been the reverse. Members seldom, if ever, discuss matters of policy in the regular meetings of the board.<sup>5</sup> Being a small board it is convenient for them to meet in secret session, create positions and fix appropriations before proceeding with the regular meeting, which by law is open to the public.<sup>6</sup> The stated monthly meetings are still uninteresting and unattractive to the citizen, and as such, they tend to discourage rather than encourage him, should he entertain the least desire to become interested in the affairs of his county government.

In Hudson County the board of chosen freeholders is composed of nine members; three freeholders are elected at the general election in November of each year. Nominations are made by petition and general primary in October; freeholders must be citizens and residents of the county.<sup>7</sup> They receive a salary of \$1,500 a year. Under the 1912 act their term of office begins the first Monday in January, and at their first meeting in Janu-

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<sup>5</sup> See supervisor's message, Jan. 5, 1915, on the practice of holding secret meetings.

<sup>6</sup> It has been pointed out that, under the present plan of electing members at large, the board contains no members representing the minority party in the county, such as might be the case were the freeholders elected from districts, or by some plan of minority representation.

<sup>7</sup> Ordinarily freeholders in Hudson County have been tradesmen. Few professional men have been candidates for the office.



ary they are required to organize for the coming year. At this meeting the new members are sworn to perform their duties faithfully, and a certificate of their election from the county board of canvassers and the county clerk is filed in the minutes of the board.

The first step in the organization is the election of one of their members to the position of director. For a number of years the director of the board of freeholders in Hudson was elected at large.<sup>8</sup> This fact gave the office a certain distinction and a degree of influence in addition to its ordinary legal aspects, and as a consequence, it suggested to some extent the creation of the present office of county supervisor.<sup>9</sup> Formerly the director exercised the right to veto resolutions and to make recommendations to the board of freeholders. At present his duties are to act as presiding officer of the board, to vote on resolutions as the other members do, and to appoint the standing committees of the board. Due to his power to appoint the several committees, the office of director becomes important to those who wish to control the board, determine its policy, and secure the choice committee chairmanships.<sup>10</sup>

Rules of procedure are formulated by the committee on rules appointed by the director. Since the board of freeholders is not a deliberative body to any great extent, there is no need for an elaborate set of rules. However, such rules are needed as will require that all meetings of the board be at stated times, that all committee meetings be open to the public and be held at stated times, and that all claims against the board be presented according to prescribed forms and filed at stated times previous to the monthly meetings. All resolutions are required to be passed in due form at the regular meet-

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<sup>8</sup> From 1875 to 1885.

<sup>9</sup> Formerly in Kings County, New York, a supervisor elected at large presided over the county board of supervisors and exercised the same functions as the director in Hudson County. Goodnow, *Administrative Law in the United States*. 192 n.

<sup>10</sup> The finance committee is the most important of all.

ings. All such requisites as the above are matters for the rules to state.

The standing committees of the board of freeholders which are appointed by the directors are the following:

1. Finance and Audit: Appointed to supervise and audit the expenditures of the county institutions, boards, commissions, bridges, officers, etc.
2. Public Grounds, Court House and Jail.
3. Bridges, including North, South, and West Hudson Bridges.
4. Public and County Roads.
5. Alms House.
6. Insane Asylum.
7. Penitentiary.
8. Tuberculosis Hospital.
9. Miscellaneous: To supervise and audit the expenditures for stationery and printing, elections, storehouse, stables, courts, coroners, and morgue keepers' fees, veterans' burials, etc.

The election of a director is followed by the election of a clerk to the board. The clerk of the board of freeholders in Hudson County receives a salary of \$5,000 a year.<sup>11</sup> Certain duties of the clerk are prescribed by statute and certain others are assigned to him by resolution or ordinance of the board of freeholders. He is the most important administrative officer of the board. He keeps all records of the proceedings of the board, acts as receiving officer, signs disbursing warrants on the county collector, advertises for bids on bond issues, construction contracts, etc., and performs numerous functions which are not to be found prescribed in any one statute of the legislature or in any one resolution of the board of freeholders.

His principal duties, therefore, as prescribed by law

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<sup>11</sup> In Essex County the clerk of the board of freeholders receives a salary of \$1,200 a year. In that county, however, the position of clerk of the board has not been developed to the same extent as in Hudson County. This may partially be accounted for by the fact that the clerk of the board in Hudson performs certain functions which belong to the auditor in Essex. For this explanation I am indebted to Mr. Walter O'Mara, clerk of the Hudson County board of Freeholders.

are, "to keep the minutes and enter the orders and proceedings of the corporation in a book to be kept for the purpose" and to "have custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation;" also to "perform such services in keeping the records and minutes of the several committees of said corporation as the corporation shall prescribe, which duties, or any of them, may be performed either by the said clerk in person or by his deputy for that purpose appointed."<sup>12</sup> There are two assistant clerks of the board of freeholders and a number of general clerks under the direction of the clerk.<sup>13</sup>

All resolutions or ordinances must be presented by members of the board of freeholders. They are numbered consecutively and spread upon the minutes of the board. All resolutions are indexed by number only; this is the only means by which resolutions and ordinances may be referred to and consulted. Since many duties of administrative officers of the board of freeholders are prescribed in the scattered resolutions, it would seem that some compilation of resolutions and ordinances should be made. In this way a more definite idea of the exact duties might be ascertained of every county official whose appointment rests with the board. Since compilation of city ordinances is a necessity it would seem equally advantageous if all resolutions of the county board were compiled in convenient form.

Resolutions are drafted by the county counsel as a rule, and introduced by the chairman of some one committee. Reports of institutions and officers are entered from time to time in the minutes of the board and, furthermore, all matters which require some action by the board. A great amount of information concerning the government of the county can be obtained from reading

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<sup>12</sup> Compiled Statutes New Jersey, p. 476-7.

<sup>13</sup> What relation these clerks hold to the supervisor is not definitely settled. It would seem that they are responsible to the clerk of the board of freeholders who in turn is directly responsible to the board. Whatever control over them the county supervisor has is due to his power to suspend or remove subordinate officials. (Supra, Chap. 2.)

through the minutes of the board of freeholders for any one year or two.

Besides selecting the director and clerk, the board of chosen freeholders is required by law to select the county counsel, collector, county physician, superintendent of the alms house, warden of the penitentiary, and superintendent of the insane asylum.<sup>14</sup> Other important administrative positions besides these mandatory officers, are also filled by the board. These comprise the appointment of a county engineer, county overseer, county investigator, and various other officials, physicians, etc. Much latitude is given the board in creating new positions. It may appoint "such other officers and agents for the transaction of the county business as may be determined by resolution of the board."<sup>15</sup> Such discretionary power to create officers is sometimes abused and appointments are often made for political reasons where the services of highly skilled men are called for.<sup>16</sup>

When it is attempted to give a summary of the powers and duties of the board of chosen freeholders there is no one document to which the inquirer may turn. The duties of the board are prescribed in many statutes. They are even more widely scattered than are the statutory powers and duties of the city and other municipal authorities in New Jersey. The county government does not rest on a charter and in the absence of such charter, the only recourse which the student may possess is the laws.<sup>17</sup> These are unsatisfactory guides to the average person for the reason that they are so numerous and in many cases so unrelated that one can with diffi-

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<sup>14</sup> *Infra*. Ch. 4 and 5.

<sup>15</sup> Laws 1900, Ch. 89, Sec. 6.

<sup>16</sup> In January 1915, the board appointed a saloon keeper to the position of superintendent of bridges. The civil service commission decided that the position was competitive and required an examination thrown open to all competitors. In *McKinley v. Freeholders*, 29 E. 164, it was held that a court of equity had power to enjoin fraudulent or unlawful appropriation of money by a board of freeholders.

<sup>17</sup> See topic "Chosen Freeholders" in *Compiled Statutes of N. J. 1910*; also the *New Jersey Laws of 1910-15*.

culty locate exactly the defects in the county administration and fix responsibility.<sup>18</sup>

A general grant of powers to the county board of freeholders was made by the legislature in the act of 1844.<sup>19</sup> This law provided that "the said boards of chosen freeholders.....shall be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, goods, and chattels in trust to and for the use of their said counties respectively, and for such other uses as are, or may be designated by law, to sue or be sued, implead or be impleaded.....and to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of their respective corporations; provided the same are not contrary to the constitution or laws of this state."

This act as revised in 1877 still remains the most general grant of legislative and administrative powers of the county board of freeholders. Since its enactment, however, the legislature has more rigidly enumerated the powers which it has conferred on the county boards, until the "home rule" features of the earlier act are at present almost nil.<sup>20</sup> The freeholders exercise a general control over the county's affairs. They pass ordinances and resolutions for the management of the county buildings, institutions, roads, bridges and highways. They may supervise the construction of county buildings, highways and bridges. They make appropriations for all of these functions and supervise the expenditure of the money appropriated by them, except in certain cases. They may issue bonds and establish sinking funds for the amortization of such bonds. They may appoint administrative officers, and other county employees, fix their salaries, and determine their duties by resolution or

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<sup>18</sup> Under a recent amendment to the California Constitution certain counties, notably Los Angeles, have framed their own charters.

<sup>19</sup> See also Laws 1849, revised 1877, Compiled Statutes N. J., p. 474-5.

<sup>20</sup> A general grant of local ordinance powers to counties occurs in the Michigan Constitution. In that state the governor may veto any county resolution which contravenes a state law of the state constitution. See Fairlie in Am. Pl. Sc. Rev., Feb., 1910, p. 122.

ordinance; and they may remove such officers and employees. As it will thus appear, a great part of the duties of the board of freeholders constitutes legislative functions.

However it is clear that the board of freeholders cannot be called a legislative body exclusively; it has administrative functions as well. Under its general power to enact ordinances it becomes a legislative body, but in the management of large charitable and penal institutions and other important branches of county government it performs administrative functions. Committees of the legislative body become commissions of administration, each having a separately assigned task. All acts and commissions of administration must be ratified by the board of freeholders sitting as a legislative body. The individual freeholders thus serve in a dual relationship.

Furthermore, in the matter of finance they act in a double role. As legislators they may adopt the annual appropriation resolution and as administrators they may expend its funds on the several branches of the county government. This practice of combining appropriating and spending functions in the one county board has been completely changed in several states because it has opened the way to extravagance.<sup>21</sup> In such instances the appropriating powers have been taken away from the county governing boards. In Hudson County, however, the board of freeholders has been deprived of its control over the expenditures of county appropriations only in the case of those functions which have been placed in the charge of special boards and commissions. Generally speaking, therefore, the board of freeholders in New Jersey exercise both the appropriating and the spending powers, the exceptions being found in the larger counties,

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<sup>21</sup> A county council was created in Indiana in 1899 which meets annually to make all appropriations. This body is separate from the board of commissioners which retains the right to expend the funds appropriated by the county council. See article by John A. Lapp, *Annals Am. Acad.* May 1913, p. 248.

just as in Hudson, where special commissions have been created.

Different opinions are held as to what changes in the structure of Hudson County government are necessary in order to make it simple, direct and efficient. A plan which has been partially adopted and which represents the general tendency in recent legislation for the county, may be designated as the "legislative plan." According to it the powers of the freeholders are not to be increased. It proceeds on the assumption that the board is incompetent to assume more power and responsibility as an administrative body. It is pointed out that experience with the board in the past does not warrant, for example, that the county park system would be maintained by the board with the same high degree of efficiency as characterizes its present administration under a separate commission appointed by the judge of the Court of Common Pleas. A committee of freeholders would not be a proper substitute for the latter body, so it is argued. Upon this theory the legislature has placed certain important administrative functions of the county in the charge of special commissions. The chief objection to this theory is that responsibility in county government must be centralized, rather than divided, if proper control is exercised over all departments.

The question of reconstructing the county government is approached from an opposite point of view by those who would perpetuate the county board of freeholders and increase its powers. Abolish all unnecessary commissions and place their powers in the charge of the board of freeholders, it is advocated.<sup>22</sup> Those who affirm the competency of the freeholders to take over these functions, contend that the county board of freeholders

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<sup>22</sup>Previous to the election of assemblymen in 1913 the Citizens Federation secured an affirmative pledge from all candidates in respect to the following question: "Do you favor the abolition of the County Board of Health, the Boulevard Commission, the Mosquito Commission, the Park Commission, the County Building Committee and the transference of their powers back to the board of Chosen Freeholders for the simplification of the county business and the concentration of responsibility?"

does not under the existing arrangement have sufficient control over the administration of the county's affairs; that the power to spend the funds appropriated each year should be controlled by the board of freeholders, and not be divided among separate administrative bodies, each exercising the right to spend in its own discretion the appropriation allotted to it. This very system, or lack of system, as it is described, is the chief reason for the increasing county tax rate and the increasing burden of the county appropriations. Such special commissions are attacked in general as violative of the principle of "home rule."<sup>23</sup>

If experience under city government suggests any one solution in discussing our irresponsible county government, it is that the number of local elective officials should be reduced and all responsibility placed in one small board which is elected by the people. This solution, as applied to county conditions in Hudson, is very near to the commission plan. Commission government for Hudson County would be getting back again to first principles. As we have seen, formerly the powers of levying taxes, appropriating and spending county funds in the New Jersey counties resided in one county board. In this respect the former system, therefore, was not unlike the modern commission plan of government for cities. In both systems the significant feature is the combining of the tax administration, the appropriating power and the spending power in one small board. One feature which has appeared more recently in connection with the modern commission plan is lacking in the former local county board; there was no provision for a manager. If the principle of commission government and city manager were applied to Hudson County the new county manager would find a counter-part in the

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<sup>23</sup> The supervisor in his message of January 6, 1913, said: "These commissions are robbing the people of Hudson County of the right to govern themselves. I believe in home rule for Hudson County and the quicker we have it the better the people will appreciate it and they can hold their representatives responsible for an economical administration of county affairs." *Minutes of Freeholders*, January, 1913, p. 7.



present office of county supervisor. There would be one exception, however, the supervisor is an elective rather than an appointive official.<sup>24</sup>

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<sup>24</sup> See appendix for diagram of county manager plan, recommended by the New York State Short Ballot Association for county government in the State of New York.

## CHAPTER IV

### FUNCTIONS OF THE BOARD OF CHOSEN FREEHOLDERS. COUNTY BUILDINGS AND INSTITUTIONS.

The first and most important of the public buildings under the supervision of the board of freeholders is the county court house. This building is directly under the control of the superintendent of buildings and grounds who is appointed by the board of freeholders. His salary is \$4,000 a year.<sup>1</sup> In addition to appointing a superintendent, the board of freeholders has made it a practice to appoint all caretakers and assistants. These positions are now so numerous and responsible supervision over them is so difficult to maintain, that the superintendent of buildings and grounds is limited in the opportunity to make his office efficient. All court house employees should be appointed by the superintendent and be responsible to him directly. Instead, the court house employees feel their responsibility to the board of freeholders which appoints them and determines their salaries.<sup>2</sup>

The Hudson County court house is the most pretentious and costly public building in the State of New Jersey. It was constructed by a committee of the board of freeholders in 1910-11, and is an example of extravagance in the county government which may be attributed in part to the irresponsible committee system under the large board of freeholders, and in part to the lack of popular interest in the county government in general. No better illustration could be taken from the

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<sup>1</sup> The court house is valued approximately at \$3,000,000.

<sup>2</sup> The cost to the county of this irresponsible system is about \$62,000 a year, which amount is necessary to pay the salaries of the caretakers of the court house. Although the services of the superintendent are invaluable, the county is deprived of their full benefit due to interference by the board of freeholders.

history of the county to prove the necessity for a constant watchfulness by the citizens over the county officials whom they have entrusted with office. Officials must be made to feel their responsibility to the public rather than to the few political workers who may aid them to secure an election. The interests of the public demand economy in the construction of all public buildings, but it often happens that those who are exercising temporarily the authority to conduct large works of construction, are men who have had no experience in handling large affairs in private business. They are irresponsible in a large degree for the tasks confronting them.

The history of the Hudson County court house investigation is too lengthy to permit of any detailed narration in this work.<sup>3</sup> The court house was built under the authority of an act of the legislature of 1901. By the provisions of this act a committee of three members of the board of freeholders were appointed by the director and was authorized to purchase lands or secure same by condemnation proceedings for the erection of certain county buildings. The committee was known as the County Building Committee. This committee was authorized to appoint a counsel and an architect and proceed with full powers to supervise the erection of a court house and such county buildings as in their opinion were needed. The only limitation on the power to expend money was the indefinite provision in the act that the total expenditures should not exceed four-fifths of one per centum of the county ratables. The possible scope of the expenditures involved in this act was not realized by the public at the time of its enactment.

The President of the Citizens Federation of Hudson County has said:

"At the time this law was enacted the percentage of ratables allowed an expenditure of \$1,580,000, which was estimated as ample. Before contracts were let, county ratables had increased to the ex-

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<sup>3</sup>The investigation has been published in full and is contained in "The Hudson County Court House Investigation," Four Volumes.

tent that the commission had \$7,500,000 to spend simply because the law allowed it. Without any consideration of the economical ability of the county or the necessity of the case, the commission proceeded to spend the money in a lavish and extravagant manner. If it had not been for the energetic work of a committee of citizens, followed by the work of the Citizens Federation, the commission would no doubt have spent \$7,500,000, which under steadily increasing ratables, would have been at its disposal."<sup>4</sup>

The committee of citizens mentioned in the above was formed as a result of popular indignation over the proposed cost of the court house and over the possibility of further extravagance if the county building committee were permitted to proceed with the construction of a county jail and a hall of records. The committee of citizens became known as the Court House Investigating Committee.<sup>5</sup> The work of investigation was carried on at a cost of much labor and expense to the members of the committee, all of which, however, did not check them in performing what they regarded as their duty to the citizens of the county.

An analysis of contracts and expenditures was presented, which showed a total cost of the building of \$3,328,016.56. The original estimate of the architect had called for a total expenditure of only \$990,000.00. The causes for the excessive price were set forth in detail by the committee. As illustrative of their methods of carefully scrutinizing all expenditures, the following quotation from their report is of interest.

"Perhaps the most flagrant and clearly established instances of overcharge are those connected with the wood and metal furniture supplied under contract of John Gill & Sons, at unit prices. The lumping together in a single contract, of articles so incongruous as mural paintings by eminent artists, metal and wood furniture, and cuspidors, could have no object beneficial to the county. It is shown by experts employed by Mr. James Cameron that the true value of the wood furniture, allowing a fair profit, is \$19,488.00, whereas the county paid for same, under the unit prices, \$36,883.00, an excess over the true value of \$17,395.00."

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<sup>4</sup>Statement of Mr. Palmer Campbell in a prospectus sent out by the Citizens Federation of Hudson County.

<sup>5</sup>See report of the Executive Committee, May 10, 1911, signed, James E. Pope, Charles L. Carrick, Felix E. Tumulty, Nelson J. H. Edge, Oramor Allen, Mungo J. Currie, George J. McEwan, Edw. P. Reichhelm.

Many other such illustrations were cited in the report of the executive committee of which this one statement is but an example.

The old county building committee was brought to an end by an act of the legislature in 1911. A new commission was created to which members were to be appointed by the Justice of the Supreme Court. The act directed the new County Building Committee "to proceed speedily to complete and finish all acts and things unfinished .....in the erection and furnishing of said court house and other buildings." Under the operation of this act the commission paid off the claims against the former county building committee growing out of the court house contracts. The authority to construct the proposed county jail has now reverted once more to the board of freeholders. In 1914 a special act of the legislature was passed which permits the board of freeholders to acquire land for, and to supervise the construction of a new county jail. This act, however, does not give any authorization to the freeholders to proceed with the proposed hall of records which the old county building committee had under consideration at the time of its dissolution.

#### THE COUNTY JAIL

The county jail is under the direct charge of the sheriff. Section 1 of the act of 1894 provides, "that the sheriff in all the counties of the first class in the state shall have the custody, rule, keeping and charge of the jail or jails within such county, and of the prisoners in such jail or jails, and shall be responsible for the conduct of any keeper whom he shall appoint for the same."<sup>6</sup> The warden and all other employees of the jail are appointed by the sheriff but their appointment must be approved and their salary fixed by the board of chosen freeholders. The sheriff is responsible for the conduct of the warden but he cannot remove him, since it has been decided that this position comes under the

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<sup>6</sup>Laws 1894, p. 534. In Cook County, Ill., the sheriff acts also as superintendent of the several court buildings.

provision of the civil service act.<sup>7</sup> The sheriff is held responsible for safeguarding of prisoners, in the county jail.

The expense of maintaining the jail is provided for by the board of freeholders. While the sheriff is now paid a fixed salary instead of by the fee system of former years, he still receives 15c a day for every prisoner and \$1.00 a day for every witness held, and every person detained under observation pending an insanity inquest.<sup>8</sup> These bills are allowed by the board of freeholders and paid by the county collector. The total salaries of the jail employees amount to about \$20,000 a year. The average daily number of prisoners in 1914 was about 200. This number is partially accounted for because of the lack of a house of detention and of a parental school for the care of wards of the juvenile court. In January, 1915, it was found that about twenty-five boys under eighteen years of age were confined in the county jail for various offenses.<sup>9</sup>

It is to be noted, therefore, that the present county jail is used for the confinement of several classes of dependents which have come to be recognized by most authorities in correctional work as requiring separate institutional care. In speaking of the practice of sending insane patients to the jail for examination the county physician, Dr. George King, in his annual report to

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<sup>7</sup>The court of Errors and Appeals has decided that the provisions of the Civil Service act restrict the sheriff in removing the warden of the county jail. The court says: "It is a self demonstrative proposition that the warden of a jail during the three years of his incumbency of that office acquires by experience valuable knowledge and efficiency. ....He is more valuable in the public service than one who has not had the experience. There is nothing in the civil service law which prevents the discharge of an employee who may be guilty of incompetency or official misconduct upon charges made after a hearing. The general design of the act was to put such positions beyond political control, partisanship and personal favoritism, in order to secure to the state and county the best public service." See a discussion of this decision in the *Annals of the American Acad.*, May 1913, p. 101.

<sup>8</sup>The present county collector contends that the sheriff is not entitled to such fees in excess of the actual cost to him of the board of prisoners. *Jersey Journal*, Jan. 30, 1915. For a full discussion of this point see *Cameron Report*, p. 81 ff.

<sup>9</sup>Statement of the Judge of the Juvenile Court, January 27, 1915. *Jersey Journal*.

the board of freeholders says: "We wish to emphasize the fact that the stinging remembrance of one who has committed no crime, but on account of his mental derangement has been compelled to spend some days in the county jail, is an unjust, unkind and unfair treatment for one in his state of mind."<sup>10</sup> Accordingly the county physician requests that provision be made in the county jail for a separate psychopathic ward for the examination of insanity cases.

Much criticism has been directed of late to the county jails as correctional institutions. Mr. Clarence L. Stonaker, Secretary of the New Jersey State Charities Aid Association, remarks: "The ideal is a detention jail of separate rooms for each person awaiting trial, and a distinct and separate workhouse for all persons sentenced by the courts."<sup>11</sup>

In the same connection, Mr. Orlando F. Lewis, Secretary of the Prison Association of New York, has said, that "In comparison with the ideas of modern penology . . . . . the county jail is hopelessly backward."<sup>12</sup>

Authorities are in agreement furthermore that the jail is not a proper institution for persons who must serve out a sentence of any length of time. The real need is for the county to provide opportunity for industrial or agricultural occupation at all institutions which are used for term sentences. Complete separation of persons held for trial from those convicted and serving sentences is demanded on the principle of humanity; it is in line with the best of modern thought on the subject of prison reform. A house of detention would seem, therefore, to be the best substitution generally for the county jail. The need for such a substitute, appears most urgent whenever the jail is used chiefly to detain witnesses for the courts and persons who are awaiting to be committed to the county or state institutions.

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<sup>10</sup> Report of the County Physician, Minutes Jan. 1914, p. 73.

<sup>11</sup> Report of the State Charities Aid Association 1913. See Legislative Doc. 1913.

<sup>12</sup> Address before a conference on county reform in New York City 1914.

## COUNTY INSTITUTIONS: INSANE ASYLUM

Responsibility rests more heavily on the board of chosen freeholders in the care of the insane, perhaps, than in any other of the more important branches of the county administration. This is due to the absence in New Jersey of a definite state policy in the care of curable and incurable insane. The county is still the political unit which is charged with this important administrative function.<sup>13</sup> As a result, there is a great lack of uniformity in the several counties which have institutions for the care and treatment of insane persons.

The contrast thus possible in two adjacent counties may be observed in comparing the two counties of the first class. In Essex County, for example, there is one of the most expensive, elaborate and complete institutions for the care of insane persons that can be found. This institution houses and provides modern treatment for 1,800 patients at a cost to the county of about \$450,000 annually.<sup>14</sup> In Hudson County, however, an institution for the insane is maintained which was originally built to accommodate 250 patients, has since been remodeled to care for not more than 350, but is used at present (1915) to care for 800 patients.<sup>15</sup> If one county has gone to the extreme in the matter of expense the other has not measured up to its responsibilities in providing adequate care and treatment for insane persons.

In Essex County provision is made for the best and most modern medical attention and industrial equipment for the care and wholesome employment of the insane. In Hudson County the medical treatment is almost entirely lacking. The 800 patients are idly confined throughout the greater part of the year without adequate provision for outdoor exercise or such employment as would seem necessary for their mental improvement. The latter institution is in short an old fashioned custodial

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<sup>13</sup> In New Jersey there are only two state institutions for the insane.

<sup>14</sup> Less the amount of course, which is paid by the state for the care of the county's insane.

<sup>15</sup> See resolutions adopted by the Citizens Federation of Hudson County, October 16, 1912. Citizens Bulletin, Nov. 1912.



institution where the sole purpose seems to be to house and feed all patients committed to its care. It has been pointed out, however, that custodial institutions for the insane such as Hudson County affords cannot entirely be abandoned in the event of the establishment of a state control. The president of the New Jersey State Charities Aid Association has said: "The state should undertake a distinct hospital and curative work leaving to the several counties the maintenance of the custodial asylums for the chronic and probably incurable class, but under state advisory supervision."<sup>16</sup>

For the present Hudson County is continuing under the old policy, namely, of providing food and shelter for the insane.<sup>17</sup> The board of freeholders appoints a medical director, so called, as the chief administrative officer for the asylum; the medical director receives a salary of \$5,000 a year. All nurses, so called, and attendants at the asylum are appointed by the board of freeholders. No special qualifications of any importance are required of the nurses and attendants who undertake this work. They are grouped under non-competitive classification; their appointments are passed upon perfunctorily and their salaries fixed by the board of freeholders.

Patients are committed to the asylum through the court of common pleas, the medical examination being performed by the county physician. For every indigent patient the state allows the county \$2.00 per week for the patient's board. If it appears at the hearing before the judge that the patient belongs to a family which is able to pay in whole or in part his or her board, the rate per week is fixed by the judge and is certified to the

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<sup>16</sup> Legislative Documents 1912 New Jersey. Report to Gov. Wilson. This report is in line with the general tendency to leave chronic cases of insanity with the municipality instead of transferring care of such to the State. Fairlie, *Local Government in Counties, etc.*, p. 227.

<sup>17</sup> Ch. 250 Laws 1912 provides that the county may erect a new asylum for the insane. Under this act Hudson County may proceed with the construction of a new institution. In 1913 the board considered the project of building an asylum outside the limits of the county due to the lack of a suitable location. Public opinion was not ready to approve such a course and the movement was dropped, Minutes April 10, 1913, p. 76.

board of freeholders. The board of freeholders has as yet succeeded in adopting no adequate methods of collecting this money from the relatives who are able to pay for the support of patients.<sup>18</sup>

#### ALMS HOUSE

In New Jersey the care of the poor is devolved by general law upon both the county and the municipality; the latter merely supplements the work of the larger unit of government.<sup>19</sup> Altogether there are only twelve county alms houses in the State of New Jersey.<sup>20</sup> Of this number Hudson County owns and maintains the most modern and most expensive. In the majority of institutions there is need for surgical care and hospital facilities, since the inmates are generally old and decrepit. In Hudson County this need is supplied by a hospital annex which is under the charge of a physician and operated as an annex to the county alms house.

Both alms house and hospital annex are under the management of the board of freeholders. A committee of three freeholders acts as one administrative commission for the two institutions. The board of freeholders appoints the superintendent of the alms house; his salary is \$3,000 a year. The physician in charge of the hospital annex is subordinate to the superintendent and is also appointed by the board of freeholders; his salary is \$2,200 a year.

In accordance with the mixed town and county system, the local overseers of the poor in the several municipalities exercise the right of committing paupers to the county alms house. Neither the freeholders nor the sup-

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<sup>18</sup> *Infra.* County Investigator, Ch. 5. For opinion of the county counsel on the subject see minutes of the board of freeholders, August 14, 1913, p. 175.

<sup>19</sup> The state maintains no institutions for the poor. The state department of charities has been created only recently and as yet no rigorous system of state inspection has been inaugurated. The State Charities Aid Association, a voluntary society, performs a much needed work in reporting actual conditions in the charitable and correctional institutions throughout the state. Their organization receives a slight assistance from the State.

<sup>20</sup> In eight counties, alms houses are maintained by the municipalities; in two counties, there are no alms houses.

erintendent of the alms house has a similar power to commit; this right belongs exclusively to the municipalities.<sup>21</sup> In this way the responsibility for committing paupers to the county alms house is divided among the poor officers of thirteen municipalities and is not centered in any single body as it is in the commitment of insane persons.<sup>22</sup>

The increasing number of paupers found at county and municipal almshouses everywhere has become the subject of inquiry and attention of public officials in general of late. While making due allowances for normal increases resulting from a growing population, it has been recognized that officials must be more careful in their investigation of those persons who apply for admittance and of those for whom application is made.<sup>23</sup> It has been recommended in Hudson County that the power to commit be transferred from the several overseers of the poor, to some central body such as a county superintendent of the poor or by the judge of the court of common pleas.<sup>24</sup>

At the present time there is no uniformity in the methods of investigation employed by the poor officers in committing persons. There are approximately 680 inmates at the alms house, and in many cases commitments have been made, and the persons received, without an adequate presentation of facts to show that they were in need of public assistance. The question is one for closer scrutiny on the part of the county officials and for leg-

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<sup>21</sup> The superintendent is given the right to discharge inmates from his custody but has been slow in using it in practice.

<sup>22</sup> This situation is somewhat better, however, than that in Westchester County, New York. Here the power to commit paupers is divided among 150 officials, according to a statement of the deputy superintendent of the poor in Westchester County, Mr. A. M. Brown, made before the first state conference on better county government, at Schenectady, New York, November, 1914. Mr. V. Everet Macy is the superintendent of the Poor in Westchester County and appoints the deputy.

<sup>23</sup> See the comprehensive Report of the Committee on Inquiry into the Departments of Health, Charities and Bellevue and Allied Hospitals in the City of New York, 1913, pages 249 to 368. "Admission to City Homes." (Almshouses).

<sup>24</sup> This suggestion is made by Mr. Clarence L. Stonaker, of Newark, Secretary of the State Charities Aid Association.

isolation which will center the power to commit in one body, and not leave it in the hands of thirteen. An investigation similar to that conducted by the City of New York is needed in Hudson County. The board of freeholders has power to order a special investigation.<sup>25</sup>

## PENITENTIARY

The county maintains a workhouse—or penitentiary as it is now called; this institution supplies prisoners with labor of an inferior order. The county penitentiary is what its name implies; it is a workhouse for the confinement of prisoners who are to serve out sentences of short terms. Unlike the county jail, it is managed by the board of freeholders and not by the sheriff. The board of freeholders appoints the warden of the penitentiary and all assistants. The latter are appointed under civil service rules and are classed as competitive positions.<sup>26</sup> The warden receives a salary of \$4,000 a year.

The county workhouse is one of the old style institutions of its kind. The interior of the buildings is indicative of the age of the institutions. The cells are narrow and arranged in tiers; some have metal doors; none has windows. The windows in the court walls are high and the cells are poorly lighted as a result. The plumbing is continually in need of overhauling, and the quarters set apart for female prisoners should be enlarged. The county will be obliged to build a new penitentiary in the near future. The cost of repairs to the present in-

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<sup>25</sup> A law of 1911 provides, that "The keeper and person in charge of every institution for the poor shall keep a book, to be provided by the authority charged with the care of the institution, in which book he shall enter from time to time the name, date of commitment, age, sex, color, description, physical and mental condition, education, habits, occupations, conditions of ancestors and family relations, cause of dependence, place and date of discharge or death and the place of burial of each and every person coming into the care of such institution together with any other information about them which may be ascertained, and said book shall be open to inspection at all times." N. J. Laws, 1911, p. 408. A penalty is provided for the neglect of the almshousekeeper to keep such a record book.

<sup>26</sup> Civil Service Report 1914, p. 153-154.

stitution has become a gradually increasing expense to the county.

The word reformatory could hardly be applied to the Hudson County penitentiary. The mass of material that comes to the institution is not the kind that would justify the county's introducing an elaborate system of trade instruction, such for example as is found in a reformatory. The total number of prisoners sentenced in 1913 was 1085, but the daily attendance was only 225. About two-thirds of those sentenced were between twenty and forty years of age, and about one-ninth were serving a second term.<sup>27</sup> These prisoners, both male and female, are supplied with employment of an inferior kind. The men are put to stone crushing, excavating, and general manual labor around the several institutions. The female prisoners are kept at garment making and general sewing for the prisoners.<sup>28</sup>

Over two-thirds of the prisoners sentenced to the penitentiary during the year 1912-1913 were sent as "disorderly persons." Under the disorderly persons act many of the minor offenses are included; over these the police and recorder's courts in the several municipalities have jurisdiction. The county court of quarter sessions also passes sentences for terms at the county peniten-

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<sup>27</sup> Report of the warden Dec. 1, 1913. Seventy prisoners were serving a third term; fifty a fourth; twenty-three a fifth; and one a twenty-fifth term.

<sup>28</sup> The estimated revenue to the penitentiary from labor of prisoners was in 1913 reported by the warden as follows:

The labor performed at other institutions by prisoners was	
21,312 days at 65c a day .....	\$13,852.80
There were 1,060 pairs of shoes soled and heeled at 35c pair.	371.00
There were 6,779 articles of clothing made by female prisoners at 25c each .....	1,694.75
There were 24 varieties of vegetables raised the estimated value being .....	1,484.40
There were 3,357 yards of stone quarried—the estimated cost being .....	2,685.60

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Total earnings for the year ending Dec. 1, 1913..... \$20,050.55

The freeholders have power to institute industrial work for the prisoners and to establish by-laws, regulations, ordinances for the governing of the workhouse.

tiary.<sup>29</sup> A list of the crimes for which prisoners were sentenced in 1913 is presented on the opposite page.

#### TUBERCULOSIS HOSPITAL

In undertaking to provide treatment for persons afflicted with tuberculosis the county has added a function which marks a later development in local administration. Cases of tuberculosis were formerly found quite generally in all of the older county and city institutions. They were found to increase in the city hospitals in such numbers that it became necessary to establish a special institution for the proper care of tuberculous persons as a separate class of dependents. Consequently in Hudson County we find the tuberculosis hospital taking rank as an institution along with the older charitable and correctional institutions of the county.<sup>30</sup>

The control of the board of freeholders over the tuberculosis hospital differs from that of the other institutions of the county, in that a separate board of managers is appointed to govern it.<sup>31</sup> The managers are appointed by the board of freeholders; they receive no salaries. The managers appoint a medical director for the hospital who receives a salary of \$4,000 a year. They may

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<sup>29</sup> RECORD OF ONE DAY'S PROCEEDINGS IN COURT OF SESSIONS: Fred Bayer, breaking and entering, sentenced for one year. William Clements, for the same offense, was placed on probation. Patrick McKenna, for robbery, and Cornelius Short for breaking and entering, were each sent to Rahway. William Friday and Anthony Mueller, petit larceny, one year. Yahio Galeb, atrocious assault and battery, one year. Arthur McCulluch and Maurice Macohino, concealed weapons, postponed sentences. Daniel Matusio, lewdness, eighteen months. August Johnson, assault and battery, \$50 fine. Kennedy McEwan, uttering, postponed sentence. Frank Daly and James Donahue, breaking and entering, postponed sentence. Tony Pelli and Carlo Cardello, concealed weapons, \$50 fine. Victor Rubich and Louis Reinhardt, for robbery and petit larceny respectively, were sent to Rahway Reformatory. Fred Hoyler, atrocious assault and battery, postponed sentence. Frank Gustafeno, disorderly house, six months. Donato Viscarello, concealed weapons, \$50 fine. Frank Lighton, petit larceny, one year. Harry Maurer, Frank Schumacher and Albert Hubert, breaking, entering and larceny, postponed sentences.

<sup>30</sup> New Jersey maintains a state institution for tuberculosis patients at Glen Gardner. The state also gives financial assistance to the counties which have local institutions.

<sup>31</sup> Laws 1912, Chap. 217, Section 1 and 2.

CRIMES	MALES	FEMALES	TOTAL
Abandonment .....	41	0	41
Assault and Battery .....	52	1	53
Assault .....	5	0	5
Assault and Battery—Atrocious .....	9	0	9
Attempt Escape .....	1	0	1
Atrocious Sodomy .....	1	0	1
Bastardy .....	3	0	3
Bigamy .....	5	0	5
Breaking, etc .....	15	0	15
Breaking and Entering .....	7	0	7
Breaking, Entering and Larceny .....	18	0	18
Burglary .....	3	0	3
Burglary Tools .....	3	0	3
Conspiracy .....	0	1	1
Carnal Abuse .....	6	0	6
Contempt of Court .....	1	0	1
Concealed Weapons .....	11	0	11
Cruelty to Children .....	3	1	4
Disorderly House .....	1	1	2
Disorderly Person .....	656	87	743
Driving Auto Under Influence of Liquor.....	1	0	1
Desertion .....	12	0	12
Embezzlement .....	3	0	3
Entering and Larceny .....	6	0	6
False Pretenses .....	1	0	1
Fornication .....	2	1	3
Grand Larceny .....	11	0	11
Highway Robbery .....	1	0	1
Habitual Drunkard .....	2	0	2
Illegal Registration .....	1	0	1
Lewdness .....	1	0	1
Malicious Mischief .....	3	0	3
Misdemeanor .....	1	0	1
Neglect of Children .....[...]	11	4	15
Neglect of Family .....	2	0	2
Open Lewdness .....	1	0	1
Non-Support .....	14	1	15
Petit Larceny .....	19	11	30
Procuring .....	1	0	1
Public Indecency .....	1	0	1
Receiving Stolen Goods .....	2	0	2
Robbery .....	5	0	5
Rape .....	1	0	1
Seduction .....	2	0	2
Sodomy .....	2	0	2
Secreting and Destroying Letters .....	1	0	1
Violating Parole .....	25	3	28
Worthless Checks .....	1	0	1
	974	111	1085

elect from their own members a president, and vice-president. The medical director acts as secretary-treasurer.

If any conclusion might be drawn from actual experience under this board, as contrasted to the committee system of administration for the other county institutions, it should be that the non-salaried board is the more satisfactory. The board of managers is directly controlled by the board of freeholders, which appoints it. The situation is thus improved over that of the special commissions over which the board of freeholders has no control.

Besides maintaining an institution for treating incipient and advanced cases of tuberculosis, the board of managers also maintains an elaborate clinic system throughout the county. Attached to each clinic are attending physicians and visiting nurses. These clinics are under the supervision of a supervisor of clinics who is appointed by the medical director with the approval of the board of managers. The clinic nurses are under the direction of a superintendent of clinic nurses; this superintendent is also appointed by the medical director with the approval of the board of managers.<sup>32</sup> The clinic system is a result of the recognition now current among experts that the work of tuberculosis prevention is a local health matter and must be carried into the homes.

The system of admitting patients to the hospital is centralized in the medical director, who may also exercise the right of discharge. The system of admission is governed by the law of 1912 which provides that any resident in the county may apply direct to the superintendent of the hospital or to the clinics for admission,

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<sup>32</sup> In describing the duties of the district nurses, in a paper read before an association of the attending physicians, the superintendent of clinic nurses said: "Well-trained earnest visiting nurses are most essential to the success of tuberculosis dispensary work. The sphere of the nurse is to go into each home, become acquainted with the entire household, win the family confidence, and by persistent tact and good sense she is often able to completely change the family habits. She not only tells her charges of the benefits of fresh air, sunlight, and cleanliness, but studies out the means by which these may be obtained."



and if it appears that he or she is suffering from tuberculosis, such resident may be admitted free of charge or on a weekly pay basis to be determined by the medical director.<sup>33</sup> For every indigent patient the state allows \$3.00 a week for his board. The county, however, must bear the greater part of the expense of the tuberculosis hospital and sanatorium.

The total expenditures for the year 1912-1913 were \$114,687.21; the total number of patients treated was 610. That the work of the county in providing a modern institution of this kind is supported by the public, is entirely justified by experience. The county authorities have received cordial support from the medical profession and the public; the management of the institution has been free from politics of the inferior sort. In the administration of the tuberculosis hospital and sanatorium, Hudson County has taken a step in advance.<sup>34</sup>

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<sup>33</sup> Laws 1912, Ch. 27, Sec. 5.

<sup>34</sup> The board of managers makes an annual report at the end of each fiscal year. From the report of the year 1912-1913 the major portion of the facts herein presented have been taken.

## CHAPTER V

### FUNCTIONS OF THE BOARD OF CHOSEN FREEHOLDERS. ADMINISTRATIVE OFFICERS.<sup>1</sup>

We have seen how the board of freeholders under its committee system has provided for the administration of the several county buildings and institutions. It now remains to be considered how other functions of the board are performed by the group of individual administrative officers, who are appointed by the freeholders and who work in conjunction with the several branches of the county administration. First among these is the county law department.<sup>2</sup>

#### COUNTY COUNSEL

The county counsel, assistant county counsel and the county attorney comprise the law department; their salaries, respectively are \$6,000, \$3,000 and \$2,500 a year. The head of the department is the county counsel. Each officer is appointed by the board of freeholders and his salary is paid by the freeholders also. They are individually responsible to the board of freeholders and their term of office is coterminous with the life of that board.

As a result of this individual responsibility there is often presented the situation of one law officer advising publicly one course of action and his associate advising another. Since it is the business of the county law department to render legal advice to the county board of freeholders and other county officials or body of officials,

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<sup>1</sup>Laws 1900, Ch. 89, Sec. 6.

<sup>2</sup>Speaking of this department in his annual message, January 4, 1915, the county supervisor said: "We have an expensive law department. I would suggest that your board direct that at least one representative of the department be in the office from 9 a. m. until 4 p. m. every day for the purpose of giving such advice or attending to any legal matter which any of the county boards might require."

it is necessary that the law department be organized along lines of the highest efficiency and that there be no division or working at cross purposes among them.<sup>3</sup> The ideal condition would be to make the office of assistant to the counsel, appointive by the county counsel.

The county counsel's services to the county are in some respects like those of the attorney general to the state. His chief duty is that of rendering legal advice to the government. By the government is meant the freeholders, the supervisor, the county collector and in general those boards and commissions which have matters of policy to determine.

Controversies arising between different administrative branches are referred to the county counsel for legal opinion. The opinion of the county counsel takes precedence over that of any other officer appointed by the board of freeholders. His opinions constitute the highest administrative authority on all resolutions and ordinances of the board of freeholders, and on all laws pertaining to county government.

Occasions may arise where there is a disagreement between the county supervisor and the board of freeholders which will require the legal opinion of the county counsel. Here again it may be noted there is possibility for one part of the law department to side with one authority and another part to uphold the view of the other. In practice, however, it is usually the case that the law department favors the board of freeholders in any such controversy. The explanation is that the freeholders and not the chief executive make the appointments. The county law department is, therefore, more directly responsible in fact to the board of freeholders than it is to

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<sup>3</sup> A recent example of such division in the law department was presented when a controversy between the sheriff and the county collector arose concerning certain fees allowed the sheriff for boarding prisoners. The county counsel gave his opinion upholding the collector, but the sheriff secured the services of the assistant county counsel upholding the opposite view. "Immediately," says the Hudson Observer, editorially, "there was presented the spectacle of the two ends of the law department arrayed against each other in public, if not in the courts." February 12, 1915.

the supervisor.<sup>4</sup> It should not be inferred from this that the supervisor is without the means of securing legal advice. The counsel is often called upon directly by the supervisor to render an opinion on some matter in which the chief executive is called upon to act, or again, the supervisor may recommend the board of freeholders to request the counsel for advice. In either event it is the duty of the counsel to respond. The real point of criticism is that the counsel is an appointee of the freeholders and not of the supervisor, and as such, his department does not always work in harmony with the chief executive officer of the county.

The county law department often confers and represents the county in negotiating with the several railway and electric companies which make use of the county highways and bridges. Since these lines cross over county property, it becomes necessary to arrange and agree upon franchise fees in all such cases. The county law department also brings suits in the name of the county; appears in court in all suits to which the county may be plaintiff or defendant. Legal opinions in all such matters, including the amount of judgments awarded in some cases, also the amounts compromised in others, are all reported to the board of freeholders, and become a part of their minutes.<sup>5</sup>

There is some difficulty in giving an adequate description of the actual services performed by each individual member or by the department as a whole for the reason that no annual report is made by the law department

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<sup>4</sup> An illustration was given in December, 1914, when the supervisor contended that certain appointments of the freeholders were illegal. In this instance the county counsel gave an opinion directly opposing that of the chief executive of the county, and incidentally, going so far as to declare that the law on which the supervisor placed reliance, practically abolished the office of supervisor. Jersey Journal, December 9, 1914.

<sup>5</sup> Important legal proceedings are included in the minutes of the board of freeholders.

either to the board of freeholders or to the supervisor.<sup>6</sup> However, in general it may be said that the county law department submits legal opinions, prepares legal papers, institutes actions in law or equity, and represents the county in all such actions. Individual members appear also for the county in civil service cases, mandamus and certiorari proceedings, render opinions in salary and wage controversies, in questions of revenue and finance; and act in all other legal questions arising between the county and other units of government in the state. Furthermore the counsel frequently prepares bills for the legislature which pertain to needed legislation; he exerts his influence against legislation which is against the best interests of the county government. Generally speaking his department is one of the most important in the county.

#### THE COUNTY PHYSICIAN

In the office of county physician the county possesses an official which performs the mixed duties of a county coroner, an expert medical examiner, a jail physician, and an officer of the poor.<sup>7</sup> The county physician and assistant county physician are appointed by the board of chosen freeholders at salaries, respectively of \$5,000 and \$3,000 a year. Like the counsel, superintendents, and other officers of the board, their term of office is coterminous with that of the board of freeholders.

It is the statutory duty of the county physician to investigate all violent, sudden, and casual deaths. In his brief outline of the government of the county Mr. Ed-

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<sup>6</sup> In 1912 the Corporation Counsel of New York City submitted 1,776 written opinions for the legal advice of the mayor and heads of departments. The department examined 1,840 titles to property ceded to the city under condemnation proceedings. It prepared all leases, deeds, contracts, bonds and other legal papers of the city making a total of 5,545. Says the Municipal Year Book for 1913, "During the year 37,348 actions and proceedings were commenced and 39,417 terminated. At the close of 1912 there were 37,172 actions and proceedings pending." Page 148. This is an illustration of how concrete facts may be submitted to show the actual governmental work performed by the legal department.

<sup>7</sup> Coroners in New Jersey and especially in those counties which have developed the powers of the county physician, have been reduced to a position which is subordinate to the county physician.

mund Miller has said: "If there are no suspicious circumstances connected with such death, he issues a burial permit. If, however, there is reason to believe that the death is not due to natural causes he calls in a coroner, who is empowered to summon a jury and make a thorough inquiry into the case. The county physician performs any medical examination that may be necessary in connection with such inquiry."<sup>8</sup> In 1913 the total number of deaths which were investigated and concerning which records were filed, was 1,248. This record is incomplete as the present county physician thus explains: "As we have no facilities for keeping all records we have been able to maintain only those which might become of use in cases for investigation by the coroner's inquest, the grand inquest, or for the use of the courts. Therefore, many of the cases of death from natural causes are not completely recorded and filed in this office."<sup>9</sup> The complete record for the county is obtainable at the office of the state board of health.

It is relevant in speaking of the duty of the county physician as investigator of violent and sudden deaths, to call attention to the work of the county board of health and vital statistics. This board consists of three members, two of whom are appointed by the board of freeholders and one of whom is the county physician. The chief duty of this board is to compile records of

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<sup>8</sup> An Outline of the Government of Hudson County, a twelve page bulletin of the Jersey City Free Public Library.

<sup>9</sup> Report to the supervisor and board of freeholders Jan., 1914. The following precept is used by the county physician in directing a coroner's inquest:

"I, George W. King, county physician, in and for said county, having made all proper inquiry, of the circumstances attending the death and a careful examination of the body of.....at.....and it appearing from said inquiry and examination that there is cause to suspect that the said.....came to death by murder, manslaughter, or by contrivance, aiding, procuring or other misconduct of some person or persons: Do hereby request that Coroner..... issue his precept for the summoning of a jury of inquest to inquire into the cause of said death, and that he proceed thereon according to law.

"Given under my hand and seal this.....day of.....A. D., one thousand nine hundred and.....

.....  
County Physician.

births and deaths in the county.<sup>10</sup> Through his connection with this board the county physician may keep directly in touch with the records of deaths and births. Suspicious cases may be reported directly by him to the prosecutor.<sup>11</sup>

Furthermore, as we have said, the county physician acts as a medical expert for the courts. Although legally the court of common pleas acts in commitments to the county insane asylum, it falls on the county physician to investigate and determine all cases of insanity before formal commitment is made. Most of the applications are by persons in indigent circumstances. Many persons so admitted, as explained in the preceding chapter, are able to contribute something towards their support, and the exact amount must be determined by the court after preliminary investigation by the county physician.<sup>12</sup> Formerly feeble minded persons also were examined by the county physician for admission to the county institution but the act of 1913 now directs that all feeble minded persons be sent to the state institution for the feeble minded. The examining work for such cases of feeble mindedness, however, still remains in the hands of the county physician.

It should be noted in this connection that the county physician has come to serve to a large extent as an adjunct to the courts. The work performed for the courts in 1913 is thus described in the report of Dr. George W.

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<sup>10</sup> In practice the work of the county board of health and vital statistics is below the standard of efficiency, partly for the reason that the local boards of health in the several municipalities perform the same functions. Several attempts have been made to abolish the county board on the ground that it is unnecessary. No better illustration could prove the necessity for combining the work of local boards which perform the same functions into one central board for the entire county. *Supra*. Ch. 1.

<sup>11</sup> Formerly coroners' inquests were held indiscriminately at much useless expense to the county. Even yet the system permits of much looseness. The Short Ballot Association of New York has suggested that a medical director be appointed by the prosecutor, or district attorney as he is called in New York, and that the present office of coroner be abolished.

<sup>12</sup> In 1913 the number committed through the county physician's office was 254. Only twelve per cent of this number represented persons whose parents were born in the United States.

King, the present county physician: "Heretofore in all cases of homicide or other crime, where the question of the prisoner's sanity was inquired into, the county was put to a great deal of expense for medical expert testimony for the purpose of determining the mental status of the prisoner in question. Now, the courts have asked us to investigate all such cases and report to them. Our work has been satisfactory to them and has resulted in a saving to the county of thousands of dollars."<sup>13</sup>

It has been said that the county physician, furthermore, acts as a jail physician for the county. This is because a great number of the persons sent to the county jail are in need of medical attention; the assistant county physician is required to give the greater part of his time to the care of jail prisoners. In 1913 there were approximately 7,370 individual jail treatments in which nearly one-half were of a surgical nature.

In concluding it remains to consider how the county physician is obliged to perform functions in the nature of an officer of the poor. First, in determining the status of the indigent insane, the county physician acts in the same relation as a local overseer of the poor in committing inmates to the county almshouse. Secondly, under the act of 1913, the county board of freeholders are authorized to make provision in any hospital located in the county for the support of such resident indigent patients as are unable to be maintained by private support.<sup>14</sup> Provision is made for support of the patient in each individual case "upon certification of the name of the individual by the county physician." The certification of the county physician, the law states, "shall be approved by the board of freeholders" upon presentation of the bill for the support of such indigent patient. It must appear in the certification report of the county physician that the patient was in actual need. To do this work of investigation satisfactorily the county physician

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<sup>13</sup> Report of 1913, minutes of freeholders, Jan. 1914.

<sup>14</sup> Laws 1913, Ch. 312.



is in need of facilities in addition to those afforded his office at the present time.

The office of county physician is one of the most important in the county administration, and it is possible to give even greater range to his authority by abolishing the coroner system and placing the powers of the coroners in the one administrative department of the county which is capable of giving expert medical advice. Were this condition to be brought about the county physician would become chiefly an adjunct to the courts. Under the present arrangement the office of county physician is directly responsible to the board of freeholders due to their power to make appointment. The functions performed by the county physician, however, as we have stated, relate very closely to the administrative work of the courts, and are not so intimately connected with the administrative work of the board of freeholders. The county physician should be appointed by the court.

#### COUNTY ENGINEER

The highways and bridges of the county are controlled by the board of freeholders and placed under the administrative control of the county engineer.<sup>15</sup> The county engineer is appointed by the board of freeholders at a salary of \$5,000 a year and holds office for a term of five years. He may be removed by the board of freeholders for incompetency after proper hearing and satisfactory proof of the charges. It is provided by law, however, that the county engineer "shall have the right to appeal to the state highway commissioner for hearing, review or final adjudication from any order of dismissal, within fifteen days of the adoption thereof."<sup>16</sup> The office of county engineer is run at an annual expense to the county of about \$13,000. Altogether the county maintains about twenty-three miles of highways, and fourteen bridges over the larger bodies of water, canals, etc.;

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<sup>15</sup> Laws 1912, Ch. 395, p. 809.

<sup>16</sup> Ibid. The Hudson County Boulevard, 19 miles, is not under the board of freeholders and therefore is not included in the total mileage.

besides these there are numerous smaller bridges in various parts of the county.

The county engineer works in conjunction with the committee on roads and the committee on bridges.<sup>17</sup> Formerly the county was without the regular services of any one engineer. It was the former practice, therefore, for the committees of the board of freeholders to engage outside engineers on the fee basis. Altogether there were ten committees which could seek the assistance of an engineer.<sup>18</sup> Mr. Cameron tells us that the total expenditure for engineering services for a period of six years ending December, 1911, amounted in the aggregate to \$287,305.60. Without attempting to give exact figures, it would seem, considering the reduced expense of the present office of county engineer, that the saving to the county in the length of time referred to would have been very great.<sup>19</sup>

Altogether the county's investment in its roads and bridges, excluding the Hudson County Boulevard, is about \$3,204,000.00.<sup>20</sup> The annual expense to the county for their maintenance is about \$151,000. Until the state road and highway department was created the counties were required to pay for and build their own roads. The act of 1912, however, provides for a state supervision and control over road construction in the several counties throughout the state. The board of freeholders of each

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<sup>17</sup> A county superintendent of bridges was created by the board of freeholders in Dec., 1914, to act in conjunction with the committee on bridges.

<sup>18</sup> Cameron Report, p. 75, for a full discussion of the cost of the engineering services.

<sup>19</sup> A further saving to the county might be made by the transfer of the duties of the boulevard commission engineer to the county engineer. In this connection the following resolution was adopted at the meeting of the board of freeholders, Dec., 1914: RESOLVED: "That the clerk of the Board of Freeholders be directed to inform the Board of Boulevard Commissioners of this county that this board has a competent engineering department and that whenever the Boulevard Commissioners require any engineering work to be done, that they call upon the engineering department of this board, which is always at their service, instead of employing outside engineers and incurring large and unnecessary expense for that purpose."

<sup>20</sup> Estimate in the report of the county supervisor. Jan. 4, 1914. See 1914-15 budget for highway and bridge expense.

county, on initiating any road improvements within the limits of the county, first directs the county engineer to prepare plans for their approval; then the board must prepare contracts and specifications, advertise for bids, and subsequently enter into a contract with the party selected from among the bidders. However, it is provided that no work can be commenced until the plans and specifications have been approved by the state road commissioner; this officer may reject any such plans and specifications. The board of freeholders may not proceed within four months after such rejection with the work of road reconstruction as contemplated.

Thus the state road commissioner is given the power to hold up unsatisfactory highway construction in the several counties of the state, and the highway policy in each county is kept in line with a general plan of road and highway construction by and for the state. The state's share of the expense of any improvement is forty per cent of the total estimated cost; the county's share is sixty per cent. The state maintains a board of road inspectors whose duty is to inspect from time to time the roads under state supervision; besides this, a separate committee on roads acts as an administrative commission for the board of freeholders.

The maintenance of the county bridges also involves a great amount of supervision and the county engineer is directly responsible to the freeholders for this work. All bridges must be kept in first class condition. The life of the bridges may be lengthened by proper care and it is necessary that they be painted at regular intervals. The larger bridges are operated by bridge attendants; these employees are appointed by the board of freeholders and directed by the county engineer in conjunction with the committee on bridges. Daily reports of the bridge superintendents are required to be filed with the official records of the engineer. A thorough inspection is thus maintained by the county.<sup>21</sup>

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<sup>21</sup> A special appropriation by the board of freeholders was made in Feb. 1915, to join with the remaining four Hudson River counties in making preliminary survey for a Hudson River bridge and tunnel.

## COUNTY OVERSEER AND MECHANICS

The county overseer deserves mention only as the directing head or foreman of the bureau of county mechanics. This bureau is composed of carpenters, masons, painters, quarrymen, bakers, helpers and bookbinders. They are not attached to any one of the several institutions but are required to do odd jobs of repair and construction in connection with all of the county's buildings. The county overseer is charged with the custody of all supplies and materials required for use at the several institutions and at the county farm.<sup>22</sup> The resolution governing his appointment provides that, "the county overseer have the supervision of the store house and county stables, as well as the employees thereof, and also be chargeable with the custody of all supplies not properly a charge against any one institution at the county farm, and perform such other duties as may be ordered from time to time by this board or its appropriate committees."<sup>23</sup> The county overseer receives a salary of \$1,560 a year.

The expense to the county of the bureau of county mechanics is about \$45,000 a year, exclusive of supplies. While the fact is recognized that a bureau of this kind is necessary in keeping the several institutions in good condition, the duties that the "mechanics" perform are likely to be of such inferior kind as would justify the employment of the county prisoners at the penitentiary. In the past it has been the custom for the county to contract for much of the higher grade repair work at the institutions. This would seem to be an unnecessary expense to the county if a bureau for that very purpose is maintained by the county.

A step toward the reorganization of the county me-

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<sup>22</sup> The county institutions are situated on a high plot of ground at the outskirts of Jersey City known as Snake Hill. (See Irving's Knickerbocker, Bk. II, Ch. 2).

<sup>23</sup> Minutes, board of freeholders, Feb. 13, 1913, p. 32. The storehouse is used as a warehouse for supplies used at the county institutions. The county stables which are also under the supervision of the overseer are used to keep twenty-five horses belonging to the county.

chanics has been taken recently; and the county supervisor has signified his intention of reorganizing the force of the county mechanics, eliminating as far as possible the expense of contracting for repair work.<sup>24</sup> Other recommendations relative to the expensive mechanics department have been made from time to time. Mr. Cameron in his report advised that the county overseer be required to make detailed "statements showing the number of days' services for which claims have been approved respecting each mechanic, the nature of the work, and the institution against which the charge should be made." In accordance with this suggestion Supervisor O'Mealia required a detailed statement of the actual services performed by the county mechanics during his term of office. The chief criticism of the present system, therefore, would seem to be that the bureau is not efficiently organized, and that a plan something like that in use by Cook County, Illinois, would be the best substitute for the present irresponsible system. In that county numerous mechanics are employed from time to time, but the individual mechanics are paid by the hour or day. This arrangement seems to be more business-like and should tend toward a higher efficiency than the present system.<sup>25</sup>

#### COUNTY INVESTIGATOR

The board of freeholders employs an agent to investigate the financial circumstances of those persons or the relatives of those who apply for admittance to the county almshouse, insane asylum and tuberculosis hospital;

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<sup>24</sup> Minutes of the board of freeholders, Feb. 1915.

<sup>25</sup> The board of freeholders in March, 1915, created the position of superintendent of public works at a salary of \$2,000 a year. The duties of this officer are "to supervise the erection, alteration and repairing of all buildings under the control of this board, and the laying out, altering, repairing and keeping in order of all grounds under the control of this board." The new superintendent must also "supervise and overlook the work performed by the county mechanics as well as the work performed by any person or persons not under the jurisdiction of the warden or other head of any institution or department, keeping an accurate record of the performance of all such work, daily and monthly reporting thereon as may be ordered or required by this board." (Resolution, Mar. 11, 1915, Minutes Freeholders.)

this officer is known as the county investigator. He is appointed by the board and receives a salary of \$2,500 a year. The duties of the county investigator are to investigate the family connections of all applicants for poor relief for the county and to advise the courts and county physician of the results of this investigation. Under former administrations it was required of the county investigator to make collections monthly from those who were able to pay for the support of relatives. This method having proved unsatisfactory the system was changed to the present one; now the responsibility for such collections falls upon the heads of the institutions. The county investigator merely reports the results of his investigations.

It may be said that the work of investigating for the various county institutions is inadequately performed at the present time. With the increasing demands made upon the county for charity and relief there is need for a special department of investigation so as to provide honest administration of the poor laws.

#### CONCLUSION

Only the more important officers of the board have been treated in the present chapter. Besides the administrative officers whose duties have thus been described there are several minor officials who are appointed and whose salaries are fixed by the board of freeholders. From the above it is worthy of note that the so called "heads of departments" are not actually heads after all, since their assistants and subordinate officers are not appointed by them. Instead these appointments are made by the board of freeholders. Such lack of a proper organization of the administrative departments does not bring the best results chiefly for the reason that it does not induce subordinates to feel their responsibility to the head of their respective departments. Too many subordinates in any department are as reprehensible a condition as too few. The head of each department should be given the right of appointment and removal, and should be held responsible for the appointment and the conduct of those who are subordinate to him.

## CHAPTER VI

### THE COUNTY—STATE ADMINISTRATION

The present chapter bears the caption which best describes, perhaps, the several important boards and commissions which constitute independent parts of the government of Hudson County. These boards are the Boulevard Commission, the Park Commission, the Mosquito Extermination Commission, the Board of Elections and the Board of Taxation.<sup>1</sup> The first three of these boards perform functions which the state has not seen fit to take completely from the county, but which it has separated from the administrative control, at least, of the board of freeholders. The latter two boards perform functions which the state does not leave entirely to the charge of the local county authorities but which it places in the charge of appointive officials who are responsible to the state alone. These boards will be considered separately.

#### THE BOULEVARD COMMISSION

The Hudson County Boulevard Commission is composed of three members who are elected at large and who serve for three years. The commissioners receive a salary of \$1,500 a year; the president and secretary of the commission each receive an additional \$250.<sup>2</sup>

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<sup>1</sup> The Parental School Commission also is a separate body. It is composed of five persons who are appointed by the judges of the court of common pleas with the approval of the board of freeholders. Under the provisions of an act passed in 1912 by the legislature this board may "acquire land and erect buildings suitable for the detention of all persons, male or female, under the age of eighteen years, who may have been adjudged juvenile delinquents by the courts for the trial of juvenile offenders, or who may have been convicted of violating any criminal statute or who may be detained as a witness in any criminal prosecution, or who may be under commitment for appearance in the juvenile court pending final hearing of any pending cause." The county has already purchased a site for the new parental school.

<sup>2</sup> Full details with regard to the finances of the Boulevard Commission are to be found in a report of Engineer Whittemore which is included with the Cameron Report to the Supreme Court Justice, p. 176-226.

The total annual salary and wage expense under the control of the commission is about \$110,000, and the total annual expense for maintenance of the Boulevard is about \$176,000. The three members of the commission are elected at the same election under an act which provides that, "in order to secure minority representation on said board, no voter shall at any election vote upon his ballot for more than two commissioners of such board, and upon the canvass of the election the three persons receiving the highest number of votes shall be declared elected."<sup>3</sup> This permits voters of the minor party to select one out of the three members elected.

The Hudson County Boulevard was built by the board of freeholders under the provision of an act of 1888.<sup>4</sup> From that time until 1898 the boulevard was controlled by the board of freeholders. As stated in the report of engineer Whittemore, "The maintenance, lighting, repair and control of the boulevard was under the authority of the board of chosen freeholders until the year 1898 when the legislature passed an act as a supplement to the act of 1888.....under the authority of which there was created a board of boulevard commissioners.....All the duties which by the act of 1888.....devolve on the board of chosen freeholders touching the maintenance, lighting, repair or control of these roads, devolve exclusively upon the boulevard commissioners; all permits to open roads, disturb the surface, or to lay sewers, drain, water, gas or other pipes therein, shall be granted, all

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<sup>3</sup>Laws 1898, Ch. 106, Sec. 3. This feature of the act has been attacked on the grounds of its alleged unconstitutionality. As yet no attorney general of the state has consented to the institution of certiorari proceedings to test the legality of this board. His consent must be obtained before such proceedings can be utilized. In refusing consent on two occasions the attorney general has raised the objection that the board should be continued in office chiefly because its abolition would invalidate outstanding bond issues. This objection is met by the contention that the board of freeholders issues all the bonds and that the abolition of the Boulevard Commission would in no way affect the validity of the bonds already issued and outstanding.

<sup>4</sup>This highway extends from one end of the county to the other. It connects the municipalities of Bayonne, Jersey City, West Hoboken, Union, West New York, North Bergen, Guttenberg, Weehawken, and Hoboken. It was formed by joining and widening several highways.



ordinances for the regulation or use of these roads shall be passed by the Boulevard Commissioners, and not by the board of chosen freeholders.”<sup>5</sup>

The Boulevard Commission performs numerous functions in connection with the maintenance of this highway. In several matters its services may be compared to those of a municipality. The boulevard commission has the right to maintain a separate police force, to own and operate a separate electric lighting plant, to employ its own cleaning and repairing force, to act in other ways entirely separate from the county road and highway system and independent of the street departments of those municipalities through which the road lies.<sup>6</sup> The boulevard presents another illustration of the duplication of municipal functions to be found in the county, and adds weight to the argument for eventual consolidation of municipal and county functions.

All funds for boulevard maintenance and repairs must be provided by the board of freeholders and included in the annual tax budget; this appropriation is mandatory on the board of freeholders.<sup>7</sup> The fund appropriated remains in the hands of the county collector; warrants on the collector are signed by the president and secretary of the commission.

Besides supplying maintenance funds for the commission, the board of freeholders is authorized to issue thirty-year bonds on the order of the boulevard commission for the purpose of repairs, resurfacing, paving etc.<sup>8</sup> The total cost of such work shall not at any time exceed two-tenths of one per cent of the total county ratables assessed for county purposes in the year in which the last work authorized by the act shall be completed.

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<sup>5</sup> Cameron, p. 176-7.

<sup>6</sup> It is interesting to compare the management of the boulevard under the special commission plan with the committee system of the board of freeholders. In practice there is no superiority in the present management of the boulevard to that of other county properties which are under the administrative control of the committees of the board of freeholders.

<sup>7</sup> Act 1898, Ch. 106, Sec. 4.

<sup>8</sup> Act 1908, Ch. 69.

Thus the total amount of bonds which may be issued for boulevard "repairs" may be increased with every jump in the county's tax ratables.<sup>9</sup>

All contracts for repairs and repaving are let by the boulevard commission. They may prepare contracts and specifications and advertise directly for bids, and may furthermore employ a separate engineer. The county counsel acts as counsel for the boulevard commission. Due to the fact that the board of freeholders controls all other county roads the abolition of the commission has been advocated on the ground of uselessness and extravagance.<sup>10</sup> The opposing argument is that the abolition of the board, itself, would not result in any great saving to the county beyond what might be saved from the salaries of the commissioners. This would not include a reduction in the number of employees, even though the road were placed under the control of the board of freeholders, it is argued. The question calls for a careful survey of the cost of maintenance of the road and highway systems, of the municipalities and of the county.<sup>11</sup> In this way cost units may be determined for the entire county and other necessary data obtained. A bill was introduced in the legislature in 1915 to abolish the boulevard commission and transfer its functions to the Hudson County Park Commission. Several strong arguments were advanced in favor of this bill, but the measure failed to pass.

#### PARK COMMISSION

The Hudson County Park Commission is an incorporated body which is composed of four members who are appointed by the judge of the court of common pleas.

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<sup>9</sup> For example the county ratables were \$527,948,180.00 in 1913, thus placing a limit of \$1,055,896.00 on the bonds.

<sup>10</sup> The Citizens' Federation has consistently advocated the abolition of this board.

<sup>11</sup> The most complete report on the Boulevard is the Whittemore report which was made in 1911 and which is now somewhat out of date. The report of the grand jury in April, 1915, contains much interesting information relative to the cost of this highway. A reply to the grand jury report was prepared by the commission and published April 5, 1915. This was followed by a more elaborate report of the grand jury April 11th.

The commissioners each serve for a term of four years; one member is appointed each year. They receive a salary of \$1,500 a year. The total salary and wage expense under the control of the commission is about \$81,750 a year, and the annual maintenance expense, including this amount, is \$100,000.<sup>12</sup> The total area of the present county park system is about 507 acres; this acreage is distributed among five parks situated in different parts of the county. The Hudson County Boulevard is the connecting link between the county parks in the northern and southern parts of the county. Like the Boulevard Commission, the Park Commission may perform its functions without interference by the freeholders. It elects a president, vice-president, treasurer from its own membership and may appoint and fix the salaries respectively of a secretary, counsel, landscape architect, and superintendent.<sup>13</sup> The commission may contract for all labor and may pass resolutions in determining the duties of all its employees and make all necessary regulations for the services to be performed.<sup>14</sup>

The powers of the commission in acquiring land for park purposes are very extensive. The act provides that the commission "shall have power to acquire, maintain, and make available to the inhabitants. . . . and to the public, parks and open spaces for public resort and recreation, and shall have power to locate within the limits of said county such parks and places; and for these purposes shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, lands and rights in lands for public parks and open spaces within said county."<sup>15</sup> Under the provisions of this act

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<sup>12</sup> Appropriations for 1914-1915.

<sup>13</sup> Laws 1902, p. 811.

<sup>14</sup> Sec. 15, of the act of 1902, provides that "every such board shall make rules and regulations for the government and use of all such parks. . . . and to enforce the same by prescribing and affixing for the violation thereof suitable penalties, not exceeding fifty dollars for each offense."

<sup>15</sup> Act 1902, Ch. p. 811, Sec. 4.

the present county park lands have been purchased or acquired.<sup>16</sup>

All funds for the maintenance and the purchase of county parks are provided by the board of freeholders; the park commission exercises the exclusive right to disburse the money so received. The board of freeholders is compelled by law to borrow money on the credit of the county "to a sum, in the aggregate not exceeding one per centum of the assessed value of all the property, real and personal, in said county liable to taxation for county purposes."<sup>17</sup>

The park commission must make requisition on the freeholders for the amount necessary to be raised and each requisition so ordered is mandatory on that body. In practice the board of freeholders has, as a rule, delayed to make appropriations promptly upon the request of the park commission. This is because the commission has been in the habit of asking for sums in excess of what seemed necessary for the immediate occasion.<sup>18</sup> This course of action on the part of the park commission was explained in 1911 by their counsel with the statement that since the commission "had been subjected to some delays upon the occasion of prior requisitions for moneys, they felt that they could not make a contract for any substantial piece of land until they were in a position to know that they would have the funds to carry out every part of the contract."<sup>19</sup> At the present time the park commission may yet issue \$2,147,487.91 in bonds before it reaches

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<sup>16</sup> The outstanding park bonds Nov. 30, 1914, were \$3,240,000.00 with a balance in bank of \$192,506.48. See county collectors report 1914, p. 73 and 49.

<sup>17</sup> Act 1902, Sec. 12, p. 811. This act would at the present time permit a total bonded debt for park purposes of \$5,387,487.91.

<sup>18</sup> In an opinion December 11, 1913, the county counsel said: "I do not think that the park commission can ask at any time for the issue of bonds in excess of their actual needs within a reasonable time thereafter. I think that they should ask from time to time for only so much as they actually need at that time, or will need within a reasonable time thereafter and thereby relieve the county from paying interest on moneys which may not be used for a long time thereafter." Minutes Dec. 11, 1913.

<sup>19</sup> This statement is quoted from the Cameron report, p. 140.

the limit placed on the total amount of bonds which the law of 1902 authorizes for park purposes.

#### MOSQUITO COMMISSION

Strictly speaking the work of exterminating mosquitoes in New Jersey is a health problem; formerly it was included as a part of the duties under the local boards of health. The legislature of 1912, however, made provision for the appointment, in each of the five counties in the northern part of the state, of a special mosquito extermination commission, each of which was to be affiliated with the State Agricultural Experiment Station in the work of mosquito extermination.<sup>20</sup> For several years the state of New Jersey has made appropriations on a small scale for mosquito extermination work. The progress of the work resulted in the movement to include the counties of Hudson, Essex, Bergen, Passaic and Union.<sup>21</sup>

In these counties the law provides that the money necessary to maintain the mosquito extermination commission shall be appropriated by the board of freeholders, and shall be paid from time to time to the mosquito commission on its requisition.<sup>22</sup> It is also stated in the act that, in no one year, shall the total amount to be expended exceed the limit of one quarter of a mill on every dollar of assessed valuation.<sup>23</sup> The appropriation is mandatory on the board of freeholders. In accordance with the provisions of the act, Hudson County has appropriated for the period of 1912-1915 a total amount of \$92,661.00 for the mosquito extermination commission.

The Mosquito Extermination Commission of Hudson County is composed of six members appointed by the Justice of the Supreme Court presiding in Hudson

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<sup>20</sup> Laws 1912, Ch. 104.

<sup>21</sup> The total area of the swamp that covers so large a part of these counties is about 29,000 acres.

<sup>22</sup> Act 1912, Sec. 6.

<sup>23</sup> The county supervisor denounces this amount as excessive in his message of Jan., 1913. He said, "I will call your attention to the new Mosquito Extermination Commission which has the right according to law from the board of freeholders for its maintenance this year, the sum of one hundred and twenty thousand dollars." Minutes 1913, p. 7.

County. Members are appointed for a term of three years and serve without salary; two members are appointed each year. The director of the New Jersey Agriculture Experiment Station is a member ex-officio of the commission in each county. Under the law the commission must file with the director of the State Agriculture Station a detailed statement of the amount of money required for the ensuing year. The director may approve, modify or alter the estimate of expenses and plans; his approval must be certified to the board of freeholders, before the specified amount can be included in the annual tax budget. Thus the state director has extensive power in approving or disapproving all mosquito extermination work in the several counties under close state supervision.

The work in Hudson County as well as in the four other counties has consisted chiefly of ditching and draining the vast meadow and marsh lands where the mosquitoes are most productive. The commission bases its annual estimate mainly on the cost of cleaning and constructing a specified number of feet of such ditches. The methods approved by the Director of the State Experiment Station in 1913 were as follows:

1. The discovery and proper recording of every breeding place of mosquitoes within the limits of the county.
2. Causing wherever the nature of the mosquito breeding places render such practicable the draining or filling or cleaning and stocking with fish of all mosquito breeding places within the limits of the county.
3. The periodical oiling or otherwise treating throughout the mosquito breeding season of all such areas as cannot be permanently abated within the limits of said county in such a manner as will prevent the breeding of mosquitoes.<sup>24</sup>

#### BOARD OF ELECTIONS

Much responsibility is placed upon the county in securing an honest ballot. A large part of the expense for all elections is paid out of the county treasury.<sup>25</sup> Each county in the state has a board of elections, which is composed of four members. The chairman of each of the

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<sup>24</sup> Minutes of freeholders 1913, p. 96.

<sup>25</sup> The cost of elections in Hudson County is about \$160,000 a year.

two political parties polling respectively the highest and next highest number of votes at the last election, must nominate two members, whom the governor appoints, to comprise the county board of elections.<sup>26</sup> Thus in each county there is a board of elections which is bi-partisan and which is directly responsible, theoretically at least, to the governor of the state. The board appoints a chairman from its own membership and employs a secretary.

Besides appointing members of the local boards of registry, the county board of elections is charged with preparing a complete registry of all the legal voters in the county. This is the one official list both for the county and for individual municipalities. In county and municipal elections the county board may act as a board of registry for all elections, primary, general and special.<sup>27</sup> Sitting as a board of registry they may strike off names of persons who are not qualified to vote; they may also add names to the list of registered voters upon presentation of satisfactory evidence in all such cases. After the final registry is completed the county board must print a complete list of the registered voters in the county. At least five copies of the list are sent to the chief of police in each municipality and a house to house investigation must be made and reported to the county board by the several police departments. This report is open to public inspection at the office of the county board.<sup>28</sup>

The county board of elections may conduct a recount of the ballot after any disputed election; a majority vote

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<sup>26</sup> Act 1898, Ch. 139, Sec. 13.

<sup>27</sup> There are about 322 election districts in the county; no district must contain over 400 voters. The rental cost per polling place is about \$35, including registration, primary, general and special elections. West Hoboken is the only municipality in the county where school houses are used for election purposes.

<sup>28</sup> In Hudson County there are altogether twenty elective county officials. The number of elective party officials has been increased under the direct primary system; at present voters elect—besides all county, municipal, state and congressional officials—all party committeemen for city, county and state committees and all delegates to the national conventions. Nominations for office are made by petition, the convention system having been abolished everywhere in the state, except on occasions when a state platform is to be framed by the parties.

of the board will decide any disputed ballot. Those who claim inaccuracy or fraud in the count may make application to the justice of the supreme court, who may direct the county board in conducting a recount of the votes cast. In instances of fraudulent counting of the vote the grand jury may also investigate, conduct a recount, and return indictments against any election officials; such a course happened in 1913 after certain disclosures of fraud at the primary election in Hoboken. It has been proposed as a result of the possibility of fraudulent counting of primary election ballots, to vest the appointment of a special commissioner in the justice of the supreme court who shall conduct a recount and "audit" of the ballots after such election.<sup>29</sup> In this way the business of checking up the count of the local election officers would be brought directly under the supervision of the judiciary; it is contended that this fact would have a deterring effect on local election officers who would otherwise be amenable to their party leader in certifying election returns fraudulently.

While, as stated above, the county board of elections may appoint the local boards of registry and election, the act of 1911 provides that election officers must pass a civil service examination.<sup>30</sup> Therefore in certifying the names for local boards, the county board must appoint officers whose names appear on the eligible list from examinations by the civil service commission. As this is a new experiment in election law it is of interest to observe how the principle works out in practice. The process is set forth in the law; the chairman of each county committee of the two largest political parties transmits to the civil service commission a list of men of "good moral character" whom he recommends for appointment.<sup>31</sup> The civil service commission then announces when the

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<sup>29</sup> See Citizens Bulletin, March, 1914. Such a bill was introduced by the Citizens Federation in the legislature of 1914, but failed to pass.

<sup>30</sup> New Jersey is the only state which requires election officers to pass a civil service examination.

<sup>31</sup> Names may also be submitted on petition of the voters of any election district.



examination will be given for election officers. The character of the examinations is set forth in general terms in the act. Candidates are required to have good color sight, good eye sight, to be able to read readily, to add and subtract correctly, to write legibly, and to possess a reasonable knowledge of the duties prescribed by the election law.<sup>32</sup> As to the results of the examination method the civil service commission makes the following statement:

"Experience has demonstrated that the position of election officers does not at present offer sufficient attractions to invite application in large numbers from the highest order of candidates. Reports come to the Commission from many sources that the County Chairmen are unable to secure enough candidates willing to take the examination to cover every district. While the examination given by the commission has, in its opinion, and in the opinion of others well acquainted with the requirements of the positions to be filled, been sufficiently severe to test properly the candidates under existing conditions, examinations might be made more rigid in character, were the fear not present that if this were done, the number applying would be diminished to a point which would cause great embarrassment."<sup>33</sup>

#### BOARD OF TAXATION

Centralization tendencies in tax administration in New Jersey have taken the form of a local board of taxation for every county in the state. These are known as the County Boards of Taxation; they are appointed by the governor with advice and consent of the senate.<sup>34</sup> While the assessment of property for purposes of taxation is conducted by local assessors in the several municipalities of the county, the county board is given authority to supervise all assessments and to act as a board of appeal. The county board is directed to secure equal taxation throughout the county. The members of the county board are required personally to view and inspect so far

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<sup>32</sup> Under the operation of this law it has been necessary to fill vacancies in the local boards in many districts because of the lack of any qualified candidates appearing on the civil service lists. In such cases provision is made that local officers may be certified to perform the duties of election officers by the judge of the court of common pleas.

<sup>33</sup> Report of the Civil Service Commission 1914, p. 13.

<sup>34</sup> Laws 1906, Ch. 120.

as possible the assessed property in the thirteen taxing districts of the county, and to make revision and corrections in the assessments.<sup>35</sup>

Since it is the duty of the board to meet from time to time to hear appeals from the local assessments, it is necessary to make rules and regulations respecting the conduct of such appeals. All such rules must conform to those of the State Board of Equalization of Taxes and to such rules as may be provided by the legislature. Property owners may appeal to the county board of taxation either to reduce an assessment, or to equalize same by raising an assessment of similar property which may appear to be undervalued.<sup>36</sup> Hearings on appeals are granted by the county board, and regular sittings of the body are held in different parts of the county for the purpose. On this point the state commission on tax reform has recommended the following:

"The County Tax Board should be required to set days for hearing appeals from property owners of the various taxing districts, going as far as practicable into each district, or at least to some convenient place adjacent thereto; and at such hearings, which the local assessor should be required to attend, the board should hear any complaint and dispose summarily of his grievance. This would not preclude anyone from presenting a statement of his grievance in advance, if he so desired, in order that he might receive personal notice of the date when the hearing would be held. And it would satisfy persons who now feel that they are denied a proper hearing."<sup>37</sup>

The county board of taxation in Hudson County is composed of three members. One member must be appointed from the minority political party; members must

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<sup>35</sup> There are about 28 local tax assessors in the several municipalities, some of whom are elected, others, appointed by the local governing boards. The control of the county board over these local assessors is limited. It has been suggested that the county board of taxation be replaced by a single official to be known as the county assessor who will be appointed by the board of chosen freeholders. This plan was presented in the form of a bill before the 1915 legislature and was defeated. See report of the special Tax Reform Commission, N. J., 1912.

<sup>36</sup> For an example, the West Shore Railroad appealed to the county board of taxation in 1915 for an increase in the valuation of local property of individuals living in Weehawken which it claimed was undervalued. The railroad acted on the theory that it would pay less taxes if the owners of the private property assessed at the lower rate were compelled to pay more taxes.

<sup>37</sup> Report to the governor of the State Tax Commission of 1912, p. 45.

be citizens of the county in which they are appointed. They receive a salary of \$3,500 a year which is paid by the state; they may appoint a secretary to the board and other clerks, assistants, etc. The salaries of the latter are determined and paid by the board of freeholders; the expense of the county boards also is met by the board of freeholders. The county board of taxation in Hudson County is an important branch of the county and state administration. Notwithstanding this fact it has frequently been proposed to abolish county boards of taxation throughout the state on grounds of economy, since in many counties of the state the need for such a board is not as urgent as in the large counties such as Hudson. Referring to the Hudson County board, the Jersey Journal has said:

"Whatever the effect of the abolition of county tax boards in other counties might be, the abolition of the board in Hudson would be, at least for a time, little short of calamitous. The large amount of ratables in this county and the thousands of appeals annually from the valuations of local assessors keep the Hudson County board and its office force busy practically all the time.....There may be some good reason for abolishing county tax boards throughout the State, but if the Hudson County board is wiped out of existence the great amount of work it is doing will have to be done by some other agency that may not do it so economically or so well."—Feb. 16, 1915.

## CHAPTER VII

### THE STATE—COUNTY ADMINISTRATION

Among those functions of government which have been taken over by the State, but which yet remain interwoven in the county machinery, none is so important as the work of the State Board of Children's Guardians. This board has charge of between six and seven hundred dependent children from Hudson County.<sup>1</sup> These have been placed either in private homes where they are given free care without expense to the county, or in boarding homes where the annual cost to the county for each child is about one hundred dollars. Thus the counties are relieved from adopting the two alternatives, first, of providing an orphans home for children, and second, from sending dependent children to the county almshouse for adults, there to be reared amid conditions which would handicap them for life. Under the efficient direction of the state board of children's guardians, the work of caring for the county's wards has been raised to a high standard.

Although Hudson County now possesses the most modern and complete alms house in the state, it required a notorious exposure of deplorable administrative conditions at the old alms house to prompt the legislature of 1899 in creating a state board for the care of dependent children.<sup>2</sup> The startling accounts of existing conditions as published by the press, assisted in bringing the need for state control to the attention of the public.

In speaking of the work of Mrs. Emily E. Williamson and Mr. Hugh Fox, both of the State Charities Aid Asso-

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<sup>1</sup> In 1914 nearly three hundred children from Hudson County had been placed in free homes. The report of the board for 1914 states that in all 1137 children from the state at large are under its care. The cost per child to the counties is \$54.27, and to the state \$13.27 making a total cost per capita of \$67.54.

<sup>2</sup> For a popular account of the events leading to the enactment of the act of 1899, see Sackett's *Modern Battles of Trenton*, 11. Ch. 10.

ciation, and of their influence in directing the reform, Mr. Sackett has said:

"They proposed the creation of a State Board of Children's Guardians with authority to provide wholesome homes for the little dependents of the public. Their suggestions roused the opposition of some private organizations engaged in child traffic under the guise of child rescue. The sale of parentless youngsters for adoption was making them rich. And, besides, some county officers who were finding profit in feeding their local paupers were reluctant to lose it."<sup>3</sup>

The act of 1899 gives the state board authority to exercise a "general supervision over all the indigent, helpless, dependent, abandoned, friendless and poor children constituting public charges."<sup>4</sup> The board is composed of seven members, two of whom may be women; these members are appointed by the governor and serve without salary.<sup>5</sup> All expenses of the state board, excepting office, administrative and salary expense, are paid by the counties. The board of freeholders must provide for the "support, care, education and maintenance of any child or children adjudged to be a public charge and who shall become wards of the state board."

The system of committing children to the care of the state board remains in the hands of the poor officers of the several municipalities. Children are first committed to the county alms house; then the board of guardians is notified of their commitment. They receive proper medical attention, are fitted with clothing; and, when provision has been made by the state board for finding them homes, they are placed by the agents of the board. The law provides that the child must be placed in a home of the same religious faith to which its parents belong or belonged. That is to say, Catholic children are placed in Catholic homes, and the Protestants in Protestant homes.

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<sup>3</sup> *Ibid.* p. 90. The present directing officer of the State Board of Children's Guardians is Mrs. Caroline Alexander Wittpenn, who has done a vast amount of work in connection with the administration of county and state charitable and correctional activities.

<sup>4</sup> *Laws 1899, Ch. 165.*

<sup>5</sup> The appropriation by the state for the Board of Children's Guardians in 1914 was \$8,000. The appropriation for the same board in Hudson County was \$45,129.09 in 1913-1914.

Agents of the board visit and report from time to time the conditions of the wards thus placed; it is the business of the state board to look after all children committed to its charge.

#### THE STATE BOARD AND THE WIDOW'S PENSION ACT

The administrative work of the state board of children's guardians has been greatly extended under the provisions of an act to improve home life for dependent children. This law is commonly known as the Widow's Pension Act.<sup>6</sup> It is perhaps the most advanced step in social reform legislation that the legislature of New Jersey has yet enacted. While the granting of pensions to mothers is performed by the judge of the court of common pleas, the administrative features of the act fall entirely on the board of children's guardians.

Under the provisions of this act any widow who is the mother of one or several children and who is unable to support them, may file a petition for aid with the state board of children's guardians. This board must investigate each case in order to determine the reliability of the data presented with the application. The results of their investigation must then be laid before a judge of the court of common pleas in the county where the applicant resides; with such information before him the judge may grant the pension.

Certain difficulties have developed from the practical application of this act. For example, the granting of a pension to a widow applying for assistance may be so prolonged due to the necessary administrative tasks of investigation, that the family may have to be sent to the alms house for immediate relief. As a remedy for this possible condition, Mr. H. L. Barek, overseer of the poor in Hoboken, advises the transfer of the power of granting pensions from the court of common pleas to the overseers of the poor. He says: "While the system theoretically may be all right, its practical workings have developed short comings which have tended to defeat the very pur-

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<sup>6</sup>Laws 1913, Ch. 281; amended 1915.

pose for which it was intended. This purpose is to afford relief when relief is really needed. Some applicants have had to wait fifteen months before their petitions have reached the court for final disposition."<sup>7</sup>

Further administrative responsibilities have developed in the operation of the law. Mrs. H. O. Wittpenn, president of the state board of children's guardians, thus explains: "After the most rigid investigation of the applicant has been made by this board and presented to the judge, and after he has granted the petition, the difficult, long and tedious task of raising the standard in the home is ours. It is not sufficient to give to the mother the sum specified by the court, for we must not forget that the father's death and the consequent loss of his support is not the only, and in many cases the chief cause of the dependency. The mother's ill health—caused many times by overwork, ignorance in the matter of home making and the expenditure of money, shiftlessness, and the lack of a proper standard, are all contributory factors."<sup>8</sup> Thus it will be seen that the state board has set a high standard for the efficient performance of the duties devolving upon it. Much responsibility rests upon the state board for the successful operation of the widow's pension law as it now stands.<sup>9</sup> Hudson County appropriated \$20,000 in 1913-1914 and \$35,000 in 1914-1915 for the payment of pensions to widows.<sup>10</sup>

#### STATE CIVIL SERVICE COMMISSION

Another state board which has become intimately connected with local administration in the county offices, boards and commissions, institutions and departments, is the State Civil Service Commission. New Jersey adopted its present civil service law in 1908; this act went into

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<sup>7</sup> From a discussion of the question by Mr. Barek at the annual meeting of the New Jersey State Association of Overseers of the Poor, 1914.

<sup>8</sup> Annual report 1914, State Board of Children's Guardians.

<sup>9</sup> It must not be overlooked that the law gives the judge the right of revoking any pension granted by him. In such event the widow's children become wards of the state board of children's guardians.

<sup>10</sup> The actual payment, however, in 1913-1914 did not exceed \$9,000.

effect in respect to the state service at once. The provision was made in the act, also, that municipalities and counties might adopt the act by popular referendum. Since 1908 the three largest counties in the state have adopted the civil service act; Hudson County having adopted it by a vote of 36,198 as against a negative of 17,457 votes. The administration of the civil service law is in the charge of a state commission. This commission is composed of four commissioners who are appointed by the governor with the advice and consent of the senate. They serve for a term of four years and receive a salary of \$2,000 a year.<sup>11</sup> The commission appoints a chief examiner and secretary, also such clerical assistants as may be necessary; the salary of the chief examiner and secretary is \$3,000 a year.<sup>12</sup>

The state civil service commission may make all rules and regulations for carrying into effect the provisions of the civil service law. It is required to keep records of all examinations, applications for appointments and of causes for removals. It exercises the right to investigate matters pertaining to the enforcement of the civil service act and of all rules and regulations of the commission. To this end the commission has power to summon witnesses and compel their attendance. Section 10 of the act provides that:

"It shall be the duty of all the officers of this state or of any municipality thereof that may adopt the provisions of this act, to conform to, comply with, and to aid in all proper ways in carrying into effect the provisions of this act, and the rules and regulations prescribed thereunder and any modification thereof. No officer or officers having the power of appointment or employment to the civil service of this state, or to that of any municipality thereof....shall....select or appoint any person for appointment, employment, promotion or rein-

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<sup>11</sup> The president receives an additional \$500 a year.

<sup>12</sup> LAWS 1908, Ch. 156.



statement, except in accordance with the provisions of this act and the rules and regulations prescribed thereunder."<sup>13</sup>

Thus the county is brought directly under the control of the state civil service commission in regard to the appointment and removal of office holders. All public officers are divided into the classified and unclassified service. The unclassified county service includes all officers elected by popular vote, officers appointed by governor, all "heads of departments," and the members of commissions and boards.<sup>14</sup> The classified county service includes the four groups, designated, respectively, exempt, competitive, non-competitive, and the labor class. Under the exempt class is included the deputy or first assistant of the principal officer, the legal assistants to the law department, the secretary or clerk of each department, board or commission, one private secretary or clerk of each judge or each principal executive officer; and all physicians.<sup>15</sup> Under the provision of the act relating to this class the operation of the law is fairly clear; less controversy arises in regard to what positions belong under the exempt class than arises in connection with the competitive groups.

Under the competitive class is included all positions, the appointment of which must be made from an eligible list of candidates who have passed civil service examination. Questions frequently arise regarding appointments in this class, and it must rest with the commission to determine when a proposed appointment is a competitive one. An appointment in the competitive class can be made only after a competitive examination has been held

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<sup>13</sup>Laws 1908, Ch. 156, Sec. 10. Chapter 189 of the laws of 1912 gives power to the civil service commission to institute actions at law or equity to enforce the provisions of the law and the rules and regulations adopted by the commission. One of the most effective provisions of the civil service law is that which gives to the commission the right to certify pay rolls of the county. In this way the commission is able to prevent the padding of the county pay rolls by refusing to certify to the addition of any person or persons whose salaries have not been certified to by the commission.

<sup>14</sup>Ibid. Section 2. The civil service law is followed closely in the above, but only in so far as it applies to the county government.

<sup>15</sup>Laws 1912, Ch. 232, Sec. 13.

which is open to all applicants.<sup>16</sup> The law defines the competitive class to include "all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination; also all positions . . . in each and every branch of the classified service, except such as are in the exempt class, the non-competitive class or the labor class."<sup>17</sup> In short the qualifications necessary for any one position falling under the competitive class must be appropriate to the position.

The non-competitive class includes "such positions as are not in the exempt class or the labor class and which it is impracticable to include in the competitive class. Appointments for positions in the non-competitive class shall be made after such non-competitive examination as shall be prescribed by the rules of the civil service commission."<sup>18</sup>

For the proper administration of the civil service law it has been necessary to establish several branch offices in different parts of the state.<sup>19</sup> The establishment of these was made necessary by the growing need for a closer supervision over the various localities. "Through these local offices," the commission explains, "a considerable portion of the work of arranging for places for holding examinations and other matters of detail have been handled, as well as investigations into the character of the work performed by the employees in the various

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<sup>16</sup> For example, the civil service commission after holding a hearing in 1915 decided that the position of superintendent of bridges created by the board of freeholders and filled by a political appointee of the board, was a competitive position requiring an examination by the commission. The board of freeholders contended that the position was an executive one and not subject to the rules relative to the competitive class. Their contention was denied by the commission.

<sup>17</sup> Laws 1911, Ch. 24, Sec. 1. Such positions in the competitive class may, however, be filled from promotions, reinstatements or by transfer.

<sup>18</sup> A non-competitive board of examiners for the Hudson County Court House is appointed by the Civil Service Commission, and is composed of three freeholders. Minutes 1913, p. 71. At the county institutions the non-competitive class includes nurses, attendants, waitresses, cooks, etc.

<sup>19</sup> That for Jersey City and Hudson County is located at the city hall in Jersey City, where a complete list of the county and city employees may be found.

departments and institutions of local government for the purpose of classification and examination.”<sup>20</sup>

There is need at the present for an extension of the work of “investigation into the character” of the official duties of county employees. The civil service commission has as yet been able to make classifications only in a very general way; its investigations have been limited to a large degree, and as a result there are many positions in the county which a minute investigation by the commission would prove to be unnecessary. A more detailed investigation would show also that certain salaries paid are out of proportion to the work performed. Such conditions are violative of the fundamental principle of civil service, and they constitute defects in the government which the civil service law is intended to eradicate. One remedy for the conditions obtaining may be found in a systematic standardization of salaries and services. This should be done in order that character of work and not political preferment, will determine the salaries to be paid. A standardization of salaries and of services in the county would involve much investigative work and comparison of data. The cost of similar services in other counties and municipalities must be obtained for comparison; for in this way facts may be presented which cannot be disputed.

To illustrate, let us say: Hudson County pays out more in salaries for its register’s office than does Essex County. Hudson County’s register has less business to care for than the register in Essex County. The salaries in Hudson County are greater and the work performed is less. To substantiate: In 1913 the total number of deeds, mortgages, chattel mortgages, assignments and releases recorded in Hudson County was 23,772 as against 35,702 in Essex County. Hudson County pays \$75,000 a year for salaries in the register’s office; Essex County pays only \$40,000. It thus appears that the cost of recording a deed or mortgage, etc., in Hudson averages \$3.11 while the cost for the same work

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<sup>20</sup> Report of the State Civil Service Commission 1914, p. 7.

in Essex is only \$1.99. It is not necessary to go beyond such facts as these to show that there is needless expense in the register's office in Hudson County. This is the kind of comparisons and facts that a proper investigation of any office by the civil service authorities should bring out.<sup>21</sup>

Mindful of the opportunity of developing this side of the administration of the civil service law, the commission has recently urged the matter of personal efficiency records for the public employees. The following statement is contained in the report of the commission to the governor:

"Early in the history of the Commission a plan for recording the efficiency of employees by means of monthly ratings made by departmental heads was adopted. Heads of departments have many of them proven lax in making reports, and there is reason to believe have not treated the preparation of the same with proper seriousness. Yet the matter is one of vital concern to the State or municipality, and to the worthy employes. The zealous and efficient should be recognized in order that there may be a continual spur to the best work, and tardiness, slothfulness and inefficiency penalized. On departmental records must necessarily largely depend the rating of candidates for promotion and if these are incomplete or inaccurate, promotion cannot be fairly made. In certain Western States, it is the duty of the Civil Service Commission which receives a special appropriation therefor, by a thorough inspection of the work of each department to determine the efficiency rating of each employee. The methods employed are elaborate and expensive, costing in Cook County, Ill., alone \$40,000 per annum and would seem, too, to largely encroach upon the supervisory power and right of the department head. The commission has now under consideration the adoption of the plan used by the New York City Commission, which provides for an efficiency committee of three superior employees in each department nominated by the head of the department of the Civil Service Commission for ratification, which committee receives reports from the department head and prepares the efficiency schedules which at stated periods are inspected by the Civil Service Commission. The plan seems sufficiently definite for present purposes at least and would not add greatly

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<sup>21</sup> These facts are based upon the statements of the deputy register of deeds for each of the counties of Hudson and Essex. The explanation of the variance of salary expense in the two counties is to be found in the fact that Essex County employs female typists who are allowed one-third of the fees. This arrangement is business-like and the cost to the taxpayers is reduced accordingly.

to the present expense of administering the Civil Service in this State."<sup>22</sup>

With the extension in this way of the administrative work of the civil service commission, it may be considered doubtful whether the state commission will adequately meet the individual requirements for the larger municipalities and counties of the state. The possibility is that a separate board may have to be created for the counties of the first class. Such a board would be able to concentrate its supervisory work to this particular county alone; there is need for a combined bureau of civil service and bureau of efficiency for Hudson County alone. Such a bureau would answer the same purpose as that recently created for the county of Los Angeles, provision for which was made in the recent county charter, and which is described in the following article from the Citizens Bulletin, September, 1914:

"In the new charter of Los Angeles County, California, provision is made for a county bureau of efficiency. The county civil service commission is given the power to provide 'for the establishment of a bureau of efficiency, consisting of the Commission, the Secretary thereof and the Auditor, for the purpose of determining the duties of each position in the classified service, fixing standards of efficiency, investigating the methods of operation of the various departments, and recommending to the Board of Supervisors and department heads measures for increasing individual, group and departmental efficiency, and providing for uniformity of competition and simplicity of operation. The commission shall ascertain and record the comparative efficiency of employees of the classified service and shall have power, after hearing, to dismiss from the service those who fall below the standard of efficiency established.' The county auditor, in explaining what the bureau has done, states that on account of the large amount of work imposed upon the civil service commission in connection with the establishment of their department, the efficiency work has not been fully or carefully considered or thoroughly followed out. He says: 'The work which we have done so far is merely the examining of those departments which have been referred to us by the supervisors for action and making recommendations as to the number of employees needed and the salaries which should be paid.'"

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<sup>22</sup> Report of Civil Service Commission, 1914, p. 17.

## COUNTY SUPERINTENDENT OF SCHOOLS

The county superintendent of schools is an appointee of the commissioner of education of the State of New Jersey—the state board of education approving such appointment. The county superintendent holds office for a term of three years from the date of his appointment and until his successor has been appointed.<sup>23</sup> He may be removed from office for cause by the state board of education. He receives a salary of \$3,000 a year which is paid by the state. The law provides that “each county superintendent . . . shall give particular attention to actual and personal supervision of schools and shall devote his entire time to the duties of his office. No person shall be appointed as county superintendent of schools unless he shall hold the highest teacher’s certificate issued in this state and shall have been a resident of the county for which he is appointed for at least three years immediately preceding his appointment.”<sup>24</sup>

The county superintendent in Hudson County does not exercise any power of “control” over the educational policy of the several school districts within the county.<sup>25</sup> Each municipality in the county has its own independent public school system, and there are no rural schools owing to the urban character of the county. With regard to matters affecting educational policy, the county superintendent may advise and cooperate mutually with the directing officers of the several local school systems in the county.

The county superintendent of schools acts chiefly as distributor of the state school moneys among the several municipalities in the county. The law provides that on or before the fifteenth day of March in each year the respective local school boards must each certify to the county superintendent the total number of teachers em-

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<sup>23</sup> Laws 1912, Ch. 367.

<sup>24</sup> Ibid.

<sup>25</sup> In Hudson County the work of the county superintendent is generally office work. Visitation of schools, certification of teachers, conducting of teachers institutes are not necessary to any large extent owing to the advanced development of the city school systems.

ployed and the number of pupils attending in their particular school districts.<sup>26</sup> On this basis he is directed by law to apportion the school funds received from the state; he must allow so much to each school district in proportion to the number of school principals, teachers and in proportion to other standards of efficiency.<sup>27</sup>

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<sup>26</sup> Laws 1912, Ch. 141.

<sup>27</sup> Funds may be withheld from a municipality which has failed to pay its state school tax. While the office is more like a branch of the state department of education than it is a county office, the county superintendent is the chief school officer in the county. His office comes into intimate contact with the financial system of the county in respect to the handling of school moneys.

## CHAPTER VIII

### THE COUNTY JUDICIARY

To describe the organization of the judiciary in Hudson County it is necessary to keep in mind the higher courts of the state judiciary and their relation one to the other. These courts are named in the order of their importance in that section of the state constitution which provides that the "judicial power shall be vested in a court of errors and appeals in the last resort....a court of chancery; a prerogative court; a supreme court; circuit courts; and such inferior courts as now exist" or may hereafter be established.<sup>1</sup> In this list of courts, only the last three need be considered in discussing the organization of the judicial system as affecting Hudson County.<sup>2</sup>

### THE SUPREME COURT

The highest judicial office as far as the county is concerned is the justice of the supreme court. This court is a state court of which Hudson County alone constitutes one circuit. One or more justices of the supreme court may hold circuit court in each county. One justice of the supreme court in practice is assigned to the Hudson County circuit. Members of the supreme court are appointed for a term of seven years and receive a salary of \$10,000 a year which is paid by the state. The justice of the supreme court who is assigned to Hudson County may preside over, and act concurrently with the judges of the several inferior courts in the county which are mentioned in this chapter. In practice, however, the

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<sup>1</sup> Const. Art. 6, Sec. 1.

<sup>2</sup> The court of errors and appeals consists of the chancellor, the justices of the supreme court and six judges. The court of chancery consists of the chancellor, the chancellor also is surrogate general of the prerogative court.



justice of the supreme court seldom sits in the lower courts.

### THE CIRCUIT COURT

Since Hudson County on account of its size constitutes one circuit of the supreme court, the circuit court is held by two special circuit judges who are appointed by the governor for a term of seven years and who receive \$9,000 a year. The constitution provides:

"The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county, except in those of a criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court from the time of such docketing..... Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals." (Const. Art. 6, Sec. 5., 1-3.)

The legislature may vest in the circuit courts chancery powers so far as relates to the foreclosure of mortgages and sale of mortgaged premises.<sup>3</sup> A writ of error on appeal may be taken from the circuit court to the supreme court or directly into the court of errors and appeals.

### COURT OF COMMON PLEAS

The court of common pleas is a court for the trial of civil actions, irrespective of the amount in controversy. It is, strictly speaking, a county court; it was in existence in Hudson County when the constitution of 1844 was adopted. By the language of the constitution it is referred to as an "inferior" court. The first section of the judicial article provides that the judicial power shall be vested in the several courts which have been mentioned above. A certain latitude, however, in changing the organization of the inferior courts is given to the legislature by the constitutional provision that the judicial power shall also be vested in "such inferior courts as now exist; and as may hereafter be ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require." From

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<sup>3</sup> Const. Art. 4, Sec. 7.

this provision it has sometimes been argued that the legislature may even abolish the court of common pleas. As a matter of fact, however, the court of common pleas is one of the most important parts of the county judicial system and it would be difficult to arouse any great weight of public opinion in favor of its abolition.

There are two judges of the court of common pleas for Hudson County. They are appointed by the governor for a term of five years, and receive a salary of \$7,500 a year which is paid by the county. The official title of the judges is that of President Judges of Court of Common Pleas. Besides constituting a court for civil actions the judges of the court of common pleas individually perform a great amount of administrative work in connection with the commitment of persons to the county and state charitable agencies, and in connection with other administrative matters which have been assigned to them by the legislature.

#### CRIMINAL COURTS

The criminal courts in the county are the court of quarter sessions, the court of general sessions, and the court of oyer and terminer. The justice of the supreme court for the Hudson County circuit may preside in each of these courts. In practice, however, he seldom participates in the trial of causes brought before them. The actual business of these courts is carried on under the judges of the court of common pleas. These judges may hold quarter sessions, general sessions or oyer and terminer court. In the first, trial is by jury; in the latter two, the jury right may be waived and cases tried by the judge. As a rule the grand jury indictments are handed down in the court of quarter sessions.

#### ORPHANS COURT AND SURROGATE

The justice of the supreme court and the judges of the court of common pleas comprise the orphans court. In practice this court is held by the judge of the court of common pleas.<sup>4</sup> The orphans court has jurisdiction over

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<sup>4</sup>Laws 1898, p. 715.

matters respecting the existence of wills, the fairness of inventories, the right of administration and guardianship, and the allowance of the accounts of executors, administrators, guardians or trustees, etc. The clerk of the orphans court is the surrogate.

New Jersey, like New York, has a separate office for the transaction of probate matters; this office is known as the county surrogate. In Hudson County the surrogate is elected for a term of five years, and his salary is \$7,500 a year. The office of surrogate is primarily a judicial office and it is difficult to see why the idea of an appointive judiciary was not applied to it as to the other judicial offices. The county surrogate should be made appointive by the governor with the advice and consent of the senate. The surrogate's duties are technical; he is not what we may call a policy determining official. His functions are largely ministerial. The elective system is not the most approved method of choosing such public servants.<sup>5</sup> The total salary expense of the surrogate's office to the county is about \$32,000 a year, which is exclusive of the cost of retranscribing records. The surrogate may appoint a deputy and such clerical assistants as may be necessary for the management of the office. These must be approved and their salary determined by the board of freeholders.<sup>6</sup>

#### JUVENILE COURT

The juvenile court in Hudson County exercises jurisdiction over all cases involving youthful delinquents. The judge of the juvenile court is appointed by the governor with the advice and consent of the senate. He receives

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<sup>5</sup> Formerly this office was on the "fee basis," that is, the surrogate was not paid a salary but was allowed to retain all fees.

<sup>6</sup> The work of recording calls for a large force. Altogether sixteen record books "current libers," are kept in progress, as follows: Wills, proofs, etc., applications for administration letters, administration letters, administration bonds, inventories, guardians' letters, executors' and administrators' accounts, guardians' and trustees' accounts and inventories, assignments for benefit of creditors, miscellaneous bonds, miscellaneous records, orphans' court records, testamentary guardians' letters, orders limiting creditors, decrees barring creditors, releases and refunding bonds. The total receipts from these sources in 1913-14 was about \$30,000.

a salary of \$5,000 a year, which is paid by the county. A "delinquent child" under the terms of the act of 1912, is one "under sixteen years of age who violates any penal law or municipal ordinance, or who commits any act or offense for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding (except the crime of murder and manslaughter) or who is a disorderly person or habitual vagrant, or incorrigible or immoral." The delinquent child is brought into court and a hearing is given. Witnesses are examined, and the judge gives his finding. The judge may order the release of the child or commit him to an institution. Hudson County has no house of detention, consequently youthful delinquents are sent to the county jail pending their final disposal by the court.<sup>7</sup>

#### COUNTY CLERK

In New Jersey the terms, county clerk, and clerk of the courts, are synonymous; the county clerk is clerk of all the county courts, with the exception of the orphans court. He is elected for a term of five years and receives a salary of \$7,500 a year. There are no special reasons why the county clerk should be an elective official as at present. On the contrary there are certain arguments from actual experience why the office should be made appointive by the justice of the supreme court. As in the case of the surrogate, the county clerk performs technical and ministerial duties. The work of the office is highly important and is such as to call for an official who knows the business of his office. Rarely has the elective system given the county a clerk who is interested primarily in improving the administration of his office rather than in making it serve for political purposes. The efficiency of the clerk's office is due in large measure to the deputy.<sup>8</sup> The county clerk appoints his deputy and other assistants, such appointments being subject to the approval of the board of freeholders who also fix the salaries of each.

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<sup>7</sup> Supra, Chapter 4, County Jail.

<sup>8</sup> The county clerk employs thirty-five clerks at an annual expense to the county of \$50,000. The income of the office is about \$40,000 a year.

The county clerk is responsible for the filing, entering and enrolling proceedings of the several courts. Certificates of incorporations, naturalization papers, building contracts and various other miscellaneous documents are issued and made matters of record by the county clerk.<sup>9</sup> He is required, furthermore, to act in certifying the final election returns to the secretary of state; he also acts as distributor of all printed election matter receivable from the secretary of state.

#### REGISTER OF DEEDS

Closely associated with the offices of county clerk and surrogate is the office of register of deeds and mortgages. The county register is elected for a term of five years, and receives a salary of \$7,500 a year. It is the duty of the register to keep record of deeds, mortgages, assignments, releases, and, in general, all records pertaining to real estate transfers. The law requires that instruments shall take effect from the day and hour of filing in the register's office; this is because a conflict of instruments may arise which would confuse the title to any piece of property. Thus in the preservation of property rights, the office of register is most important.<sup>10</sup> The work of recording, calls for extreme care and accuracy on the

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<sup>9</sup> The several records (with their indices) kept in the office in addition to the above mentioned are: Judgments of the circuit court and court of common pleas; judgments docketed in the court of common pleas from district courts and courts for the trial of small causes; attachments issued out of the circuit court; mechanic liens; recognizances entered into before the county criminal courts—and also filed by the committing magistrates; bonds given to sheriffs as in replevin cases, etc., all of which are generally liens until outlawed or cancelled upon the real estate of defendants, etc., and must be carefully searched pending the transfer of real estate; other records entered in the progress of suits and proceedings are executions, receipts for payment of transfer inheritance tax, condemnation proceedings, etc.

The indices in this office of records affecting real estate are not excelled in any office in the state, and the work of the title searcher is made an easy task.

<sup>10</sup> Says Fairlie: "The office of recorder is clearly an important one. The protection of property rights is in a large measure dependent on the accuracy and honesty of the records, but the duties can hardly be considered political or such as to make necessary the present system of popular election to the position. Indeed, the elective method by promoting frequent changes in the personnel, prevents the development of the most efficient expert service." Local Government, p. 130.

part of clerks and employees of the register's office.<sup>11</sup> The register appoints a deputy and such assistants as are necessary; these appointments are confirmed by the board of freeholders, and the salaries fixed by that board also. The total salary expense of this office to the county is about \$75,000 a year, and the receipts about \$50,000. The register, like the clerk, should be appointed by the justice of the supreme court. Under the present elective system the position of register has become merely a prize for political workers.

### THE SHERIFF

Although the sheriff in Hudson County has become little more than the ministerial officer of the county courts, the office itself retains to a large extent its historical position of leadership due to its important political

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<sup>11</sup> Indexing of land records in this office is the most responsible work done in the court house. Two index systems prevail, side by side, viz: the Lusk Analytical Index and a Block System, together constituting in theory a perfect system. From many errors made in it, the searcher, however, regards the Block System as unsafe for title or responsible work, and adds very materially to his labors by also searching the Lusk System. Lack of efficiency in running the Block System deprives Hudson County of the full value of the very best index to its land records since 1889. A verification of the past work of the Block System would correct the inaccuracies provided skilled experts did the verifying. This Block System excels that in force in New York City in that short descriptions of property affected are entered in the index. The maps of Hudson County since 1889 are all indexed on the Block System and are well kept by competent clerks. This system of map indexing has been lately copied and introduced in New York City.

The primitive method of copying instruments into record books prevails (although typewriting is employed) depending upon the accuracy of the individual clerk, whose attention is seldom riveted on his work. New methods are being tried elsewhere and may yet give better results, the photographic method being best, but needing perfecting as a process. Printing by a responsible contractor is yet too expensive but can be made less so by having Title Companies and others subscribe for copies of the records and thereby reduce the cost; until, therefore, some of these methods take the place of the present, or until registration of titles (Torrens system) is generally adopted, in which instruments are only filed and not recorded at length, the real estate owners must struggle with the archaic and suffer from errors of mental and other lapses of the entering and copying clerks.

The Hudson County records meet with criticism in this respect, as exemplified by the recent action of Building and Loan Association officers complaining of errors in the records—while every real estate lawyer can give instances of trouble and cost caused to clients by the clerical shortcomings of the county employees in this office.

aspects.<sup>12</sup> As a ministerial officer the duties of the sheriff consist chiefly in carrying out the orders of the courts. For the serving of court papers the sheriff receives various fees which are reported by him to the county collector under the heads of courts, executing chancery writs, executing chancery executions, executing law writs, executing miscellaneous writs, fines and costs, drawing jurors, transportation of law executors. In its political aspects, on the other hand, the office of sheriff, presents attractive features on account of the opportunities it affords to whoever aspires to be the political leader of the county.<sup>13</sup>

The sheriff in Hudson County is elected for a term of three years; he receives a salary of \$10,000 a year. He may appoint an under-sheriff, and such other clerical assistants as may be necessary to the performance of his ministerial duties.<sup>14</sup> All appointments and the amount of the respective salaries involved, are confirmed by the board of freeholders. The sheriff may also appoint all officers in connection with the management of the county jail.<sup>15</sup>

#### JURY REFORM

One of the chief sources of the sheriff's power is in his authority to select juries. Formerly this function was placed entirely in the sheriff's control, with the result, that it often opened the way to lawlessness among certain classes who were of the same political party as the sheriff. Thus, in many instances the sheriff selected grand juries which were relied upon to protect the perpetrators of huge election frauds. The party "bosses"

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<sup>12</sup> In Hudson County the preservation of law and order is more directly under the supervision of the police departments in the several contiguous municipalities, than it is under the active control of the sheriff.

<sup>13</sup> The present incumbent (1915) resigned his seat in Congress to assume the sheriff's office.

<sup>14</sup> In Hudson County the court appoints and maintains forty-three constables, or court attendants as they are now called, to carry out the orders of the courts and act generally as court attendants. These are directed by the sheriff. The annual expense of the constables is about \$54,000. In the constable system lies the nucleus for a state constabulary.

<sup>15</sup> *Supra*, Ch. 4.

controlled the sheriff, the sheriff selected the grand juries, and the grand juries refused to indict.<sup>16</sup> The situation was aptly described by Governor Wilson thus: "A system of mixed politics and government whose practitioners have been bad men. They have been professional practitioners which may be taken as accounting for their success. If the sheriff belonged to a gang, the grand jury was depended upon not to go too far. The prosecuor, if he belongs to a gang, will be 'discreet.' The judge may be complaisant."

In May, 1913, the legislature passed two acts relating to jury reform, one of which, popularly called the Chancellor-Sheriff act, was subsequently adopted in Hudson County by popular referendum. Under the terms of this act the sheriff is still permitted, however, to participate in the selection of juries. "The Chancellor-Sheriff act provides for the appointment in each county by the chancellor, of a citizen who shall be resident in that county, of an opposite political party from the sheriff, who with the sheriff shall be designated Commissioner of Jurors. Presumably, the powers of the commissioners are equal. But the fact that the commissioner appointed by the chancellor holds office for one year, and the sheriff for three years would in the ordinary course, increase the weight and dominance of the sheriff."<sup>17</sup> Thus, according to Judge Charles L. Carrick, "The difficulty with our juries, both grand and petit, arises from their selection by partisan sheriffs, not with the idea of representing the intelligence and moral sense of the community, but to accomplish political and private ends, and to keep certain classes of law breakers immune from the operation of the law. No remedy will be adequate which leaves the choice of jurors in the hands of the sheriff." Experience under the new act since 1913 shows a slight improvement in the personnel of the juries in Hudson

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<sup>16</sup> For a popular account of the efforts of Governor Wilson to secure a jury reform act see Sackett; *Modern Battles of Trenton*, Chapter 39.

<sup>17</sup> From an article by Hon. Charles L. Carrick in the *Citizens Bulletin*, October, 1913.



County.<sup>18</sup> The grand jury investigations from time to time have a wholesome effect on the county administration. Administrative officers are kept on the alert in preventing their individual departments from coming to the attention of the grand jury investigators.

#### THE PROSECUTOR OF THE PLEAS

The prosecutor of the pleas, as he is called in New Jersey, is appointed by the governor with the advice and consent of the senate. He holds office for five years and receives a salary of \$8,000 a year, which is paid by the county. He has the power to appoint two assistant prosecutors, the first assistant receives \$6,000 a year and the second assistant \$4,000 a year.<sup>19</sup> The prosecutor of the pleas is charged with the prosecution of all persons accused of crime under the laws of the state. In performing his duties the prosecutor of the pleas in New Jersey acts as an assistant to the attorney general of the state. The law provides that there shall be "appointed in each county some fit person prosecutor of the pleas in the absence of the attorney general; and further, to do and perform such acts and things in behalf of the state in and about such prosecution as the attorney general might or ought to do if personally present."<sup>20</sup> The expenses of the prosecutor's office are paid by the county and are included in the judicial appropriation.

#### THE CORONERS

The constitution of New Jersey provides that coroners shall be chosen in the respective counties who "shall be elected . . . . at the elections for members of the general

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<sup>18</sup>Laws 1913, Ch. 20. In his measure to the legislature in January, 1915, Governor Fielder recommended an amendment to the Chancellor-Sheriff jury act, stating, "It is the intention of the act that no jury commissioner shall be of the same political party as the sheriff of his county, but jury commissioners are appointed for one year, and there is no direct provision for vacating the office upon the election of a sheriff belonging to the same party."

<sup>19</sup>Laws 1908, p. 137, Sec. 1. The first assistant prosecutor is required by law to attend the sessions of the grand jury. The prosecutor's office employs numerous detectives.

<sup>20</sup>Laws 1877, p. 56, Sec. 1.

assembly, and they shall hold their office for three years." There are three coroners in Hudson County, one of which is elected every year. Their compensation is paid by the county in the form of fees for actual services instead of on the fixed salary basis. The annual expense for coroner's services is about five thousand dollars. As stated above, the coroner's system has been modified to some extent in New Jersey, in that inquests may be held only upon the authorization of the county's expert medical examiner.<sup>21</sup> The functions of the coroners comprise the holding of inquests, empaneling of juries and summoning of witnesses, and the attending to all duties in securing a verdict in cases where death is attended with suspicious circumstances and has called for an inquest by the coroner.

#### PROBATION OFFICE

The probation officer is an officer of the courts who serves as a means of ascertaining whether offenders against the law may be placed on probation rather than be sentenced to the penal institutions. Authority was granted in 1906 to the judges of the court of quarter sessions to appoint a probation officer for the county.<sup>22</sup> The act also provided that assistant probation officers might be appointed by the chief probation officer, with the approval of the board of freeholders.<sup>23</sup> The probation officer keeps a full record of the investigations made by his assistants into each case which has been committed to his care. When so required by the court, he must inquire into the antecedents, character, and the offense of any such person convicted of crime. On the record of such investigation the court may order the release on probation of the person convicted. Section 1 of the act of 1907 provides: "In case the record of any person convicted of crime shall, in the judgment of the court in which the conviction is had, so justify, the court may, instead of imposing the penalty provided by law for such

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<sup>21</sup> Supra, Ch. 5.

<sup>22</sup> Laws 1906, p. 155.

<sup>23</sup> Women may be appointed as assistants to probation officer.

crime, order him to be released on probation under the care of the probation officer of the county for such time and upon such conditions as the court in its order may determine, which conditions may include a suspension of sentence, the payment of a fine or the costs of prosecution or both,"<sup>24</sup>

The probation officer may arrest and recommit those probationers who may violate the terms of their parole. The more important duties of the Hudson County probation officer comprise attendance at courts, keeping control over, and in touch with, the probationers placed under his charge. Since the establishment of the department the amount of work has gradually increased until about 1800 probationers have come under the control of the probation office.<sup>25</sup> This number requires the services of persons well qualified to deal with the various kinds of cases coming within the province of the probation office. The following news clipping will illustrate the qualities sought in selecting suitable persons for work of inspection: "Miss —— methods in dealing with criminally negligent parents and her fearlessness were evidenced in an incident which occurred early in her experience as a school nurse. She was assigned to look up a child living in —— Street in one of a row of two story brick hovels. She knocked at the door and was refused admittance to the house. Convinced from the reports she had received that the child was badly in need of succor, being half starved, sick and neglected, she went to the house next door, climbed to the roof by way of the skylight, lifted the skylight to the house she desired to inspect and descending the ladder walked in upon the drunken mother and father of the child. She sent the child to the hospital and caused the arrest and prosecution of the parents."

#### COURT EXPENDITURES

Students of Hudson County government may echo the remarks of Mr. Otto G. Cartwright, Secretary of the

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<sup>24</sup>Laws 1907, p. 465.

<sup>25</sup>The number increased from 400 to 1,800 in eight years. Minutes Freeholders 1913, Feb. 13.

Westchester County (N. Y.) Bureau of Municipal Research, who said recently, "One of the greatest needs of the community is the reduction of the cost of administering justice, and the expedition of the trial of causes and the delivery of judgment. The drafting of jurors, the granting of exemptions, the question of repetition of services and fees, and all the multitudinous expenses of court services which seem to the layman exorbitant and useless, need to be studied and methods devised of freeing the poor man from as much of this burden as possible."<sup>26</sup> Supervisor James F. O'Mealia in his message of January, 1914, said: "The appropriations for this and last year were \$250,000 and we have had to make up a deficiency each year of about \$50,000. This seems to be and is a very large sum of money for the conduct of the courts. It seems reasonable to me that the sum of \$250,000 is ample funds for this purpose, and efforts should be exerted to keep within this appropriation."

An analysis of the expenditure for "courts" was published recently and is appended to show what items of expense must be met each year in connection with the administration of justice in Hudson County.

#### DISBURSEMENTS—1912-13.

Salaries, Supreme Court, Circuit Court, Common Pleas Court, Juvenile Court and Probation Office. (Does not include Salary of Supreme or Circuit Court Judge).....	\$57,878.77
Salary, Jury Clerk .....	1,800.00
Salaries, Index and Retranscribing Clerks in Surrogate's Office .....	10,629.64
Salaries, Index and Retranscribing Clerks in Register's Office for the period ending Nov. 30, 1912.....	1,352.50
Salaries of Court Officers .....	46,530.94
Taxed Bills of Costs .....	43,046.13
Jurors' Fees, paid Sheriff .....	\$24,343.97
Drawing and summoning Jurors .....	6,883.89
Metal Discs for drawing Jurors .....	144.00
	<hr/>
	31,371.86
Salaries, Prosecutor's Office .....	\$39,435.65
Special Investigations .....	9,653.92
Expense of Prosecutors and Detectives.....	3,495.34

<sup>26</sup> Address before the New York State Conference for County Betterment, November, 1914, Schenectady, N. Y.

Police Expenses .....	853.18	
Coach and Automobile Hire .....	428.25	
Transcripts of Testimony .....	408.15	
Photographs .....	261.00	
	<hr/>	54,535.49
Transportation of Prisoners .....		2,160.09
Witness Fees .....		1,079.26
Expenses, Probation Officer .....		1,578.89
Serving Subpoenas, Capiases, etc. ....		2,958.15
Printing, Stationery and Law Books .....		3,374.53
Rent of Judges' Chambers .....		442.00
Extra Expenses—Elections .....		320.30
Expenses, Juvenile Court Attendants .....	108.75	
Typewriter for Juvenile Court .....	83.03	
	<hr/>	191.78
Watchman for Charlton .....		58.17
Transfer to:		
County Clerk's Fees and Expenses .....	\$14,368.31	
Surrogate's Fees and Expenses .....	1,431.21	
	<hr/>	15,799.52
Total Charges .....		\$275,108.02
Credit Balance at Nov. 29, 1913 .....		\$275,199.56

NOTE: From Citizens' Bulletin, Feb. 1914.

## CHAPTER IX

### COUNTY FINANCIAL ADMINISTRATION

Every municipality within the limits of the several counties in New Jersey levies annually a state school, a county, and a local municipal tax. In New Jersey the state depends for the most part on revenue derived from taxes other than the general property tax. The revenues which are utilized for state purposes are taxes on first class railroad property, license taxes, inheritances, corporations, bank stock, etc. The state school taxes differ from the other kinds of state revenue in that they are collected by the local city and town tax collectors. They are then paid to the county collector to be turned over by that officer to the State Treasurer.<sup>1</sup> The municipalities and the counties, on the other hand, depend on the general property tax as their chief source of revenue. Increasing municipal and county expenses must be met by increasing the local tax rates, by adding new ratables, and by raising the assessed valuation of local tax ratables. Since the sources of local municipal and county revenue are closely prescribed by law, the local taxing officials have no discretion in adopting new sources of local revenue.

But, though the county and municipal authorities are restricted to the administration of the general property tax as their main source of revenue, the county derives certain minor revenues from other sources as well. These include all fees of the county officers, boards, courts, etc.; all interest moneys on county deposits; certain franchise

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<sup>1</sup> An apportionment of school funds among the counties is made by the state board of education. While this apportionment works a hardship upon Hudson County in that the county receives much less than it contributes, it must be remembered that the public education is a function for the state at large to support and that the county receives certain other funds in return from the state in support of insane, tuberculosis, roads, etc., all of which tends to preserve a more equitable balance.

fees from electric companies making use of county property; certain kinds of permits; state aid in institutional care for the insane and tuberculosis; state aid in highway improvements, besides various other funds which are derived from the sales of county property and products. While some of these items are of a variable and somewhat uncertain nature they nevertheless constitute an important part of the annual receipts of the county, and as such they are relied upon each year as funds which may be applied to the expenses of the county.<sup>2</sup> The possibilities of increasing such sources of revenue are partially obscured to the official and to the public, for the reason that the annual tax budget makes little mention of such estimated revenue in connection with its statement of the estimated expense of the county. It would seem that it has not been the imperative obligation of any one department to be responsible for, and to increase such revenues to their fullest extent.

At present the opportunities for increased sources of county revenue are few; accordingly the question how to provide for the increasing items of county expenditure resolves itself chiefly into a discussion of how best to eliminate needless expenditure.<sup>3</sup> To illustrate: Within the past fifteen years, the legislature has changed the large fee offices of the counties from the fee to the salary basis; that is, officers now receive fixed salaries, instead of being permitted to keep their fees. It was thought that the large profits accruing to the county officials, who were at that time permitted to keep all fees collected by them, would henceforth be turned over to the county and become a source of income. Experience was the reverse; with the introduction of the salary system into these offices, the clerical and working force of each was so increased that at the present time they are run at an

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<sup>2</sup> The receipts from such sources in 1913-1914 were about \$300,000. See report of the Collector 1913-1914, p. 16-20.

<sup>3</sup> A slight increase in the number of polls assessed in Hudson County in 1914 caused a correspondingly slight increase in the revenue from that source. In 1913 there were 8,112 polls assessed; in 1914 there were 26,651.

annual deficit to the county whereas under the former system the official incumbents were supposed to become wealthy out of the profits involved. Thus, with evidence from past experience to show that the county is being deprived annually of a possible source of revenue, the responsibility of such a condition rests upon the board of freeholders who have the power to fix the salaries of employees in all such offices, thereby enabling them to determine the number of employees needed. The question is simply one of economy.

At the present, the county revenue is supplied for the most part by thirteen separate municipalities as follows:<sup>4</sup>

City of Jersey City .....	\$1,438,512.25
City of Bayonne .....	312,199.24
City of Hoboken .....	400,809.15
Township of North Bergen .....	68,873.86
Borough of Secaucus .....	19,430.13
Town of West Hoboken .....	142,467.15
Town of West New York .....	91,632.56
Town of Union .....	80,703.03
Township of Weehawken .....	110,188.23
Township of Guttenberg .....	18,332.93
Town of Kearny .....	105,460.36
Town of Harrison .....	69,321.40
Borough of East Newark .....	18,255.22
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Total Receipts .....	\$2,866,185.71

Thus it will be noted that over one-half of the county's revenue comes from its largest municipality, Jersey City. This apportionment among the municipalities is made on the basis of the combined assessed valuation of all real estate, second class railroad property and personal property which is taxable in each municipality.<sup>5</sup> The task of apportioning county taxes among the municipalities belongs to the county board of taxation. This board also fixes the local tax rates.<sup>6</sup>

Primarily, therefore, collection of county taxes is in the

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<sup>4</sup> Report of County Collector, 1913, p. 18.

<sup>5</sup> The total net valuations taxable in Hudson County for 1915 were \$538,748,794, and the total amount of exempt property \$48,566,593. Thus the amount of exempt property is about one-eleventh of the net valuation which is taxable. *Ibid* p. 55.

<sup>6</sup> *Supra*, Ch. 6.



hands of thirteen separate municipalities; each municipality has its tax assessors and tax collector. It is required of each local tax collector, that "before the 22nd day of December out of the first money collected" he shall pay to the county collector of the county, the state and county taxes, required to be assessed in his taxing district.<sup>7</sup> Abuses have appeared in this system from time to time. Municipalities have in some instances been slow to pay the full amount of their county taxes, due to the failure to collect promptly. On this account the county has been forced frequently to borrow money in anticipation of taxes for current expenses.<sup>8</sup> Thus the tendency towards disorder in the collection of county taxes was pointed out by the supervisor in his message of January, 1913; he said: "A question which I am informed causes great trouble in the collection of county taxes is the fact that the fiscal year of all municipalities does not begin at the same time. If possible, this should be remedied by legislation."<sup>9</sup>

The expenditures of the county are governed in the main by the act relating to county expenditure of 1878 as amended in 1902.<sup>10</sup> The principal items of county expenditures are included and classified in this act, but there are other expenses which the county is obliged to meet besides those mentioned in the regular act. These have been created from time to time by the legislature until they have recently amounted to about one-fourth of the total annual appropriation.<sup>11</sup> The act of 1878 provided for a classification of county expenditures under three divisions, namely: Current Expenses, Debt and Interest, and Public Works. This classification has been

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<sup>7</sup> Compiled Statutes New Jersey, p. 5125.

<sup>8</sup> The comptroller's report for Jersey City, 1913, showed an enormous amount of unpaid taxes running back through the ten years previous. Page 6.

<sup>9</sup> Minutes of Freeholders, 1913, p. 5. The county collector, Mr. Frederick Rider, in 1914 announced that all taxes due the county from the municipalities has been paid by the end of June of that year. See report of collector, p. 8.

<sup>10</sup> Law 1878, p. 248, L. 1902, p. 188.

<sup>11</sup> See Schedule "B" of appropriations 1914-1915.

followed strictly in some respects, while in others it has been departed from in practice. For example Hudson County still appropriates scrupulously a certain amount each year for "incidentals," but it does not so carefully classify the budget according to the three headings specified above. Instead, all expenditures are classified under "A." Expenses controlled by the freeholders, "B." Expenses not controlled by the freeholders, "C." Bonded Debt, principal and interest.

The act of 1878 prescribes a classified form for the county expenditures on the following order.

## I. CURRENT EXPENSES

Courts.

County Jail.

County Penitentiary.

County Poor House.

Other Institutions.

Support of Lunatics.

County

State

Compensation and Expenses of freeholders and committees.

Salaries of Officers

Fees of Coroners.

Elections.

Stationery

Advertising, Publishing and Printing.

Incidental Expenses.

## II. DEBT AND INTEREST

Payment for principal of bonded debt falling due each year, or for sinking fund.

Payment of interest on bonded debt.

Payment of bank discounts on temporary loans.

## III. PUBLIC WORKS

Permanent improvement public buildings and grounds.

Erection and repair of bridges or culverts.

Improvement and repair of public highways.

For the use of county park commission.

But the manner in which the act is followed in making appropriations for the county at present, may be illustrated by referring to the following list of lump sum appropriations adopted by the board of freeholders in July, 1913, for the fiscal year beginning December 1, 1913:

# ESTIMATED EXPENDITURES, HUDSON COUNTY

## SCHEDULE A. APPROPRIATIONS WHICH ARE EXPENDED BY THE BOARD OF FREEHOLDERS.

	1913-1914
Public Grounds, Court House and Jail .....	\$ 150,000
County and State Lunatic Asylum \$150,000, less \$75,000 estimated to be paid by State for support of indigent patients .....	75,000
Alms House and Hospital Annex .....	120,000
Penitentiary .....	75,000
Smallpox Hospital .....	6,500
Storeroom .....	7,500
County Stables .....	10,000
Compensation, County Supervisor and Members .....	16,000
Salaries of officers .....	39,000
Printing, advertising and stationery .....	15,000
Incidentals .....	15,000
South Bridges .....	5,000
North Bridges .....	25,000
West Hudson Bridges .....	21,000
Public Highways .....	40,000
Lighting of Public Highways .....	14,000
Mechanics, not attached to any institution .....	50,000
Newark Plank Road and Bridges .....	22,000
Engineering Department .....	13,000
Department of Weights and Measures .....	3,000
Soldiers' and Sailors' burials .....	6,500

## SCHEDULE B. APPROPRIATIONS WHICH ARE EXPENDED UNDER THE CONTROL OF BODIES OTHER THAN THE BOARD OF FREEHOLDERS

Tuberculosis Hospital \$115,000 less \$25,000 estimated to be paid by State for support of indigent patients.....	90,000
Courts, etc. ....	250,000
State Board of Children's Guardians .....	45,120
Fees of Coroners, etc. ....	6,000
Expenses of Elections .....	145,000
County Board of Health and Vital Statistics .....	16,336
County Board of Taxation .....	12,000
Hospital for Contagious Diseases .....	6,000
Boulevard Commissioners .....	175,000
Epileptics and Feeble-minded Children .....	6,000
Maintenance New County Parks .....	100,000
Mosquito Extermination Commission .....	29,818
For the payment of Widows' Pensions (Laws of 1913).....	20,000
For the support of indigent poor in public hospitals of the county. (Chapter 312 Laws of 1913) .....	25,000

SCHEDULE C. APPROPRIATIONS FOR THE PAYMENT OF DEBT,  
INTEREST AND SINKING FUND CHARGES.

Principal Newark Plank Road Bonds .....	1,500
Payment of bonded debt falling due in year .....	162,646
Payment of interest on county bonds .....	478,931
Payment of interest on prospective bond issues .....	42,000
Payment of interest on Park Comm. bonds .....	117,600
Principal of Viaduct bonds .....	15,000
Principal of refunded War Renewal bonds .....	15,000
Principal of Park Commission bonds .....	15,000
Principal of new County Bridge bonds .....	20,000
Principal of new Public Main Road bonds .....	20,000
Principal of new Hackensack River Bridge bonds .....	6,000
Principal of new Alms House bonds .....	3,000
Principal of Passaic River Bridge bonds .....	3,600
Principal of new Public Branch Road bonds .....	5,000
Principal of Boulevard Repair bonds .....	15,000
Principal of Baldwin Avenue Bridge bonds .....	1,500
Principal of Asylum Additional bonds .....	8,500
Principal of Belleville Turnpike Impt. bonds .....	3,500
Principal of Paterson P. R. (W. S.) bonds .....	60,000
Principal of new County Buildings bonds .....	20,000
Principal of Tuberculosis Hospital bonds .....	1,000
Principal of Paterson Plank Road Imp. bonds .....	
Special appropriation for grading and sodding Court House grounds .....	5,000
Special appropriation, deficiency interest 1910-11.....	
Special appropriation, deficiency courts 1911-12 .....	
Totals .....	\$2,674,552
	<u>\$191,000</u>

SPECIAL: APPROPRIATIONS FOR COUNTY OFFICES, SHOWING  
ANTICIPATED REVENUE FROM FEES.

For salaries of Register and Employees .....	75,000
For salaries of County Clerk and Employees .....	50,000
For salaries of Surrogate and Employees .....	32,000
For salaries of Sheriff and Employees .....	34,000
A Total of .....	\$191,000
Less the estimate revenues from said offices for the fiscal year, to-wit:	
Register .....	\$58,000
County Clerk .....	44,000
Surrogate .....	27,000
Sheriff .....	62,000
*A Total of .....	<u>\$191,000</u>

Mandatory expenditures which are fixed on the county  
by special statute, are destructive to an orderly system

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\* The budget as adopted thus portends to show that the four fee offices  
balance their total expense with their total income. This is an in-  
accuracy as shown above. [Ch. 8.]

of drawing up the county budget.<sup>12</sup> For example, let us suppose that the normal revenue of the county is estimated at a certain amount and that county appropriations are made annually with that amount in view. If the legislature then passes a primary law or some other act equally expensive to the county, the county must make provision immediately for the newly added expense. The board of freeholders accordingly is obliged to issue temporary loan bonds to meet the unexpected emergency. Or, to take another example, the legislature may create a new county board or commission with power to make requisition on the county board of freeholders for an amount based upon a certain percentage of the county's assessed tax valuations. In such cases the actual amount which may be required of the county in not being specified in definite terms, is not clearly understood, and, as a result, the county finds itself suddenly face to face with a situation which calls for a vast sum to be provided either by tax levy, or by bond issue, as the case may be. Other examples of mandatory legislation comprise all salary increases, all pension acts for public employees, etc.

The difficulty of reconciling such mandatory expenses with the county budgetary system is quite evident. The local county authorities should know best the amount of income that the county may expect. The appropriations each year—although at present they are made quite carelessly—should be made up with some idea of the relation of expense to income. This possibility, however, is minimized since, as we have stated, the legislature may mandatorily fix new and increased expense on the county government, requiring the county board of freeholders to provide the money in all such cases. It is in such financial chaos as this, that the argument for local home rule for counties finds the most productive ground. In a county like Hudson the demand for less interference at the hands

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<sup>12</sup> Examples of this kind of mandatory expenses have been treated in Ch. 4. "The county building committee;" also in Ch. 6.

of the legislature is increased by the fact that it is already difficult to fix responsibility for affairs on some one official or group of county officials due to complex system of county government. With a further division of responsibility between the state legislature and the board of freeholders, the situation becomes almost hopelessly complicated.

Therefore, as regards the drawing up and adopting of the county budget the county board of freeholders should be let alone. But their methods in budget making should, at the same time, be more closely prescribed by law. The budget making process should be open at every stage to the public's inspection. As pointed out by the Citizens Federation in a statement of July 14, 1914, the matter of adopting the county budget should be conducted openly along well understood and definite lines. All proposed increases in the budget should be fully explained; the budget should not invite extravagance. It should never be possible for the board of freeholders to increase salaries and create positions after the budget has once been adopted.<sup>13</sup> The statement of the Federation was as follows:

"Every citizen should be interested in the county budget. We believe that one of the surest roads to economy is in an intelligent method of making appropriations. Certain items of expense are definitely fixed from year to year. These may be designated as the steady items in the budget. Some items are subject to increase and others are likely to be less one year than another. These are the flexible items. We believe every budget should be made to show these facts.

"The budget should itemize and segregate the different kinds of expense. It is in this way only that the public officials and the citizen

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<sup>13</sup> This was done in December, 1914, when the board made certain increases in salaries and created certain positions which were not explained at the time the budget was adopted but provision for which was made possible due to the "flexibility" of other items in the budget. Funds may in this way be secured by transfers from one item to another of any sum necessary to meet the newly created expense. The board of freeholders may transfer funds from one account to another. In 1912-1913 the total appropriation amounted to \$2,865,885.71 and the total amount of transferred funds amounted to \$310,960.19 or about one-ninth of the amount of the budget itself. It may be seen that the freeholders made liberal use of their power under the law to transfer funds from one appropriation to another.

can understand why some particular additional amount is appropriated. Public opinion can and should act as an effective check, but it can do this only where the form of the budget is intelligible. When an appropriation is given as a lump sum in the budget the public is left in the dark as to the significance of the amount allotted.

"There is a further matter which is of special importance in scientific budget making. The appropriation resolution should show what incidental revenue may be expected from all possible sources. Public officials ought to realize the necessity of keeping their expenses within their appropriations. They should also realize the necessity of diligently collecting all revenue due their office from every possible source.

"A deplorable condition often exists in departments exceeding their allowances. A fixed appropriation ought to mean something definite in the eyes of the public official. He should endeavor to keep within the mark in operating his office even as a private clerk should keep within his wage income."<sup>14</sup>

The county budget must be adopted by the board of freeholders not later than the first Tuesday in August.<sup>15</sup> To illustrate the usual steps followed in the procedure, it will suffice to refer to the budget for the fiscal year beginning December 1, 1914. To begin, it will be noted that the annual tax budget of the county must be finally adopted almost four months before the opening of the fiscal year. This requirement tends to increase the element of uncertainty in estimating so far in advance the amount of necessary expenditure. The move for the last budget was initiated when, at the regular monthly meeting of the board of freeholders on June 11, 1914, a resolution was adopted requesting that the heads of all departments and branches of the county government submit "at once" detailed estimates of the amount of money "which will be required for maintenance, etc., of their several institutions, departments, boards and commissions" for the ensuing year.<sup>16</sup> Estimates were "to show in detail, as far as possible, the several purposes for which said moneys will be required."

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<sup>14</sup> Hudson Observer, July 14, 1914. Mr. James Cameron, on page 133 of his report on Hudson County, recommends an excellent form for the county budget. This recommendation, like many others of that expensive but thorough investigation, has not been followed out as yet.

<sup>15</sup> Compiled Statutes New Jersey, p. 5119.

<sup>16</sup> Minutes 1914, p. 172.

Some of the estimates submitted in response to the resolution were itemized in detail and presented in good form. However, the board of freeholders did not recommend any special form to be followed in submitting estimates, and there was consequently a wide variety in the individual estimates received.<sup>17</sup> All estimates became the property temporarily of the committee on finance. This committee, however, did not hold any public meetings at which citizens might appear to express their views relative to the proposed items of expenditure. In fact the proceedings of the committee were not made public until July 16, one month later, at which time a report of the finance committee was given out for publication. This was only partial as it omitted several large items of expense which were in the budget as adopted one week later, July 23. At this time the budget was referred to the supervisor, and was approved by him as submitted. The budget was practically adopted, therefore, in its final form at the meeting of the board of freeholders on July 23; and it was thus completed just six weeks after the notices to prepare estimates were sent out. While the supervisor might have vetoed it and temporarily caused a deadlock, he permitted it to stand as it had been prepared by the board of freeholders without insisting on any changes.

<sup>17</sup> Below is an illustration of one large institution which was permitted to submit an unitemized budget as follows:

#### INSANE ASYLUM.

Item 1.	Provisions .....	\$ 60,000.00
Item 2.	Clothing .....	9,000.00
Item 3.	Coal .....	5,000.00
Item 4.	Salaries .....	61,000.00
Item 5.	Lighting .....	1,800.00
Item 6.	Water .....	4,000.00
Item 7.	Ice .....	1,200.00
Item 8.	Office Supplies .....	250.00
Item 9.	Drugs .....	800.00
Item 10.	Repairs, Supplies and Materials .....	15,000.00
Item 11.	Miscellaneous Articles .....	8,000.00

\$169,050.00

Of this amount about \$75,000.00 will be received from the State.



As a result of this method of adopting the county budget the Citizens Bulletin in September, 1914, said:

"There are several evidences of haste and carelessness in the preparation of the recent county budget. These are doubtless due to the fact that the work of preparing the budget is usually left until a few weeks before its final passage. In the appearance of a few such inaccuracies there naturally arises a distrust on the part of the citizen in the reliability of other items throughout the budget. For example, the appropriation for the salaries of the surrogate and employees is \$32,000 according to the budget, but as a matter of fact the salary list of the county surrogate is at the present time \$41,966. It is evident from this that the four county offices of register, surrogate, clerk, and sheriff should not be recorded as self-sustaining even when they are lumped together. The salaries of the four offices taken together amount to more than the revenue from all four, although the county budget makes it appear that the expenses and revenue are equal.

"Another example of carelessness is to be found in the items of the boulevard appropriation. The item of salaries, \$68,500, heads the list, but the fact is not shown in any item that wages of laborers would swell the amount of the salary and wages account to \$110,000. The item of salaries in this case is meant to apply to employees alone.

"The same rule is not followed, however, in the Park Commission appropriation, which appears next in the budget. Here wages and salaries have been combined under the one heading, salaries, and an appropriation of \$81,750 is made to meet this expense. Various other instances of inaccuracy might be cited. There is a decided need for standardizing the items of salaries, wages, and the other designated expenditures throughout the entire list of appropriations.

"The work of preparing the county budget should begin six or seven months in advance of the time of final passage. This would give enough time for submitting to the Freeholders a proper auditors' estimate of the necessary expenses in all departments of the county government without an exception. There should be some official or body of officials whose duties should be the examination of all estimates requiring them to be detailed, itemized, and to present complete explanatory remarks concerning every department in the county. With this information the Freeholders would be in a position to act more intelligently in making appropriations.

"The auditors' estimate should thus constitute a proper basis for the report submitted by the Committee of Finance to the Board of Freeholders. This committee, aided by the estimates of the auditors, should proceed to make a comprehensive study of the financial system of the county at the time of making appropriations; and, in their report, should present the condition of the bonded debt of the county, the estimated resources for the fiscal year, the valuation of taxable

property, the estimated ordinary revenue, the revenue from the fee offices, miscellaneous revenue of all kinds, the quick assets available, the accounts receivable and the estimated extraordinary revenue. With this information set forth in detail in their report, it would be possible to recommend the appropriations for the next fiscal year in properly itemized and segregated form with some definite idea of the relation between revenue and expenditures. Efficiency on the part of the county officials is necessary in order to secure an economical administration. Efficiency should come first; economy would soon follow."

#### THE COUNTY COLLECTOR

Any discussion of the financial administration of the county would be inadequate without some consideration of the office of county collector. This officer is appointed by the board of freeholders for a term of three years. He receives a salary of \$5,000 a year. The county collector is the receiver of the county's taxes, and is custodian of all funds belonging to the county. All disbursements are made by warrants signed by the collector bearing also the signature of the director and clerk of the board of freeholders.

#### SINKING FUND COMMISSION

The county collector is ex-officio a member of the sinking fund commission.<sup>18</sup> This commission is composed of the director of the board of freeholders, the chairman of the finance committee, and the county collector. It is required to take charge and securely invest the county sinking funds and the interest accruing thereon. The sinking fund commission employs a secretary and holds regular meetings. Minutes are kept of all the meetings and the records of transactions by the commission are open to inspection.

All bonds of the county are issued by the board of freeholders. The freeholders advertise for bids on all bond issues and the bonds are sold to the lowest responsible bidder. It will be observed that the freeholders may control the sinking fund commission through the power to appoint the county collector and through the director

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<sup>18</sup> Laws 1896, p. 390.

of the board, and the chairman of the financial committee, both of whom are members of this commission. Mr. Cameron recommends that the board of sinking fund commissioners shall consist of three members who shall be appointed by the justice of the supreme court for special fitness, one of whom shall be appointed for a period of one year, another for a period of two, and another for a period of three years. "It is submitted in support of this recommendation," says Mr. Cameron, "that the body having control over the general funds of your county, and further authorized under the statutes to create special bond funds for specific purposes, should have no control over the sinking funds created to amortize the public debt."<sup>19</sup>

The commission maintains ten sinking funds for the amortization of the county bonded debt. In the past the tendency has been for the board of freeholders to disturb the sinking funds in various ways, thus making it impossible to provide for an orderly procedure in redeeming the county bonded debt. Since 1913, however, this part of the county administration has been improved, the board of freeholders has employed an outside accountant to audit the county collector's books annually.<sup>20</sup> This annual audit scrutinizes all transactions respecting the investments and cash of the sinking fund commission, all of which are in the custody of the county collector. The proceedings of the commission and the condition of the several sinking funds are now set forth in a more orderly manner in the report of the auditor.<sup>21</sup>

The most important publication in regard to the financial administration of the county is the annual report of the county collector. In this the county finances are set forth in detail. This report includes the results of the audit of the collector's books by the finance committee of the board of freeholders. The collector's report presents in the main a condensed balance sheet of the

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<sup>19</sup> Cameron's Report, p. 53.

<sup>20</sup> Ibid., p. 48, for a description of irregularities in the sinking fund

<sup>21</sup> See report of the collector 1914-1915, p. 61-66.

county, a summary of the receipts and disbursements, a statement of the appropriation funds, for the preceding years, a statement of the bond funds, and brief statements of the receipts and disbursements of the several boards and commissions.

#### NO AUDITOR

It is to be noticed in conclusion that one missing feature of the financial administration of the county in New Jersey is the absence of the county auditor. As we have seen, the auditing is in charge of the board of freeholders. All claims are subject to examination and audit by the separate committees. Claims are approved first by the committee and are passed by the board at the regular meetings. Thus the system amounts to an audit of claims by all committees of the board of freeholders instead of by one official. It would seem that the best results could be obtained if the functions of auditing were placed in the charge of a special county auditor. Such an auditor would be more than a clerk to the board of freeholders; he should be given a free hand in auditing all claims against the county. He should be required to learn the market price of all supplies and see to it that the county actually pays no more than that amount.<sup>22</sup> And as we have seen, furthermore, the county auditor should be of assistance in preparing the annual tax budget of the county. The county auditor should be given extensive powers and, to be protected from intimidation by the board of freeholders, should be made an elective official.

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<sup>22</sup> A county purchasing agent would be of great assistance to the auditor in this way, and should be appointed by the auditor.

## CHAPTER X

### CONCLUSION

Although a great deal of what has been said in the foregoing chapters, is applicable to county government generally in New Jersey, the greater part of our task has been to explain how the present organization of Hudson County government is a result of the attempts of the legislature to provide for the local needs of this particular county. It would seem that since there are only two counties of the first class in New Jersey, the governments of the two would be alike in every respect. However, it is to be noted that many points of difference arise, especially when it is attempted to make any minute comparison of the two counties. Thus the object of our study has been to make it appear that the government of Hudson County is of itself an important political unit of the state; it has developed a form of government not exactly similar to that of any other county in the state, and is deserving of a special study in the general field of county government.<sup>1</sup> In treating forms and organizations of government it is necessary not to lose sight of functions; in the present study much attention has been given to what the county government does. The administrative tasks of each department have been described in detail.

It has been noted in our study that Hudson County presents one of the most typical instances of an urban county government functioning co-extensively with numerous local municipal governments all of which bear little relation to one another. Since the interests of these municipalities are mutual, they can best be advanced by

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<sup>1</sup> General interest in county government of late has been greatly assisted by the writings of Mr. Richard S. Childs and Mr. H. S. Gilbertson of the National and New York State Short Ballot Association, New York City.

consolidation. But granting the consolidation of the thirteen municipalities, there yet remains the fully developed and expensive county governmental machinery which must be taken into account in any consolidation. Here is where the question assumes the greatest importance. It would seem that since the county government extends its jurisdiction over all municipalities and since it is at present performing many functions which, broadly speaking, are municipal instead of county functions, that municipal and city consolidation must eventually center in the county government. While the immediate step would seem to be a federated city and county government, the eventual readjustment must take the form of a combined one-city and one-county government. Since the county government historically, and generally is built around the county judiciary, it is tinted with such conservatism in the popular estimation that any change must necessarily be deliberate. To the lay mind, it would appear easier for the county government to take over the municipal governments than it would be for the city to take over the county machinery with all its inter-relating state officers and boards.

From the point of view of the county as a whole, the manifest decentralization of municipal functions such as police and health administration, sewer systems, and drainage, administration of poor relief, conducting elections, etc., constitutes the most impressive feature in our survey of the county government. The argument for consolidation, as has been stated, finds the firmest ground in the opportunities presented for efficiency and economy. Where there are thirteen municipalities to finance separate sewer systems, there should be one system maintained by one central authority. Where there are frequent elections for numerous city and county officials, there should be a saving in expenditures by reducing the number of political units of local government in the county. Where there are fourteen boards of health and vital statistics at present, one central and efficiently organized board is the feasible solution. In the same trend,

other illustrations might also be mentioned in connection with many of the local functions of government which have been treated in the foregoing chapters.

The questions involved resolve, for the most part, into a test of comparative efficiency; if the county government has made itself indispensable by way of service to the municipalities and citizens, it cannot very readily be displaced. The present study has therefore been made chiefly with the view of pointing out opportunities for improvements in the county administration which may have been presented to the writer by contact with public officials and interested citizens.

The difficulty with the present method of electing members of the county board of freeholders is that there is no provision for minority representation. The county board of freeholders bears quite a contrast to the city commission, say, which directs the affairs of Jersey City. In the latter body, the commissioners are elected by a system of preferential voting by which each voter may express a first, second, third and fourth choice. The result is that though a majority of the commission represent the major political party, the minority party has strong representation on the commission in the person of the mayor.<sup>2</sup> Minority representation, generally speaking, means more publicity in public bodies; more publicity means better government.

In Hudson County the more important boards and commissions submit annual reports with full explanations as to their methods of work and the advances made in their administrative duties during the previous year. Those branches of the county government which are directly controlled by the freeholders, on the other hand, have not systematically been required to make annual reports with an actual intention of giving information.<sup>3</sup>

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<sup>2</sup> The candidate receiving the highest number of votes at the election becomes the mayor.

<sup>3</sup> The report of the county collector is an excellent exposition of the financial condition of the county and must be mentioned as an exception to the above statement as applied to departments under the control of the freeholders.

The minutes of the board of freeholders, furthermore, present only scattered information in connection with the administration of these departments. It would seem that the larger institutions, the more important county officers whose appointment rests with the board, and those officers for whom the board is obliged to make appropriations, should be required to submit detailed annual reports, to the end that citizens may know something of the county administration and in this way be brought into closer relation through personal knowledge and interest with the government in all its branches. It is safe to affirm that, under the closer attention of citizens, the effect upon the county administration will be wholesome; it is largely because the workings of the county government have been obscure in the past that citizens have as a result been uninterested.

The best examples of state centralization as affecting the counties in New Jersey are the judiciary, the educational administration, the civil service, and the state board of children's guardians. In regard to the first we have seen that the county judicial system comprises judges and prosecuting attorneys who are appointed by the governor with the advice and consent of the senate. The judiciary accordingly presents an independent body before which the county administrative authorities may be brought to answer for violations of their public trusts. The sheriff and the jury system are the only stumbling blocks in the way of complete state centralization of the judicial machinery; but even here, as we have seen, the state has recently extended its control by means of the so-called Chancellor-Sheriff jury reform act.<sup>4</sup>

Of the centralized control over the state educational system little need be said in this work. Owing to the urban character of Hudson County, the authority of the state commissioner of education and of the state board of education should be discussed to better advantage in connection with the municipal governments—each having

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<sup>4</sup>Laws N. J. 1913, Ch. 20.



its separate school system—than in relation to the county government.

In the state board of children's guardians we find an excellent illustration of a well worked out plan of state administration as against the former inefficient administration by the county institutions. In the creation of the state board there was introduced a highly specialized and efficient administration by the state which the counties alone were not competent to supply. By adopting the larger political unit of administration, opportunities for placing dependent children under suitable home influences were extended in a way such as county administration of this work was unable to afford.

When we come to the administration of the state civil service law as applied to counties and municipalities it is to be noted that the chief problem is how to keep the civil service adequately removed from local politics and at the same time provide for the greater efficiency of the county employee by standardization of salaries, proper gradation of services, and the installation of efficiency records. "The specific problem in connection with the civil service of counties," remarks Mr. Robert W. Belcher, "is solely the question of whether the law shall be administered by a local board or by a commission having state wide jurisdiction. Experience has shown that even in the case of municipal service, state control as in Massachusetts and in New Jersey, or state supervision as in New York, is by far the preferable system."<sup>5</sup> It has been suggested in our present study that there is need for a bureau of efficiency for Hudson County alone.<sup>6</sup> Such a bureau should be supervised by the state civil service commission in order to be free from the control of local political influences. But it should be local in order to become effective in enforcing rules for the county service alone; this the state commission is now prevented from doing due to the magnitude of its responsibility.

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<sup>5</sup> Mr. Belcher is Secretary of the National Civil Service Reform League. See his article in *Annals American Academy Political Science*, May, 1913.

<sup>6</sup> *Supra*, Ch. 7.

in the state at large. Furthermore, administrative problems of civil service may not be the same in Hudson County as they are in other parts of the state; and the size of the county calls for a separate commission which will supplement the work now performed by the state civil service commission.

In further relation to those examples where state centralization has proved satisfactory, it may be noted that the absence of such control by the state is at present reflected in the incompetence of the county to care properly for the insane. Here the lack of state control has developed difficulties. With the state as a large unit of administration the possibility is presented of specializing in the care of curable and incurable forms of insanity, to the end that the county may be looked to as responsible for the institutional care of only the incurable chronic cases of insanity.<sup>7</sup> Here again the interests of the county are subordinate to the interests of the state at large. While the two counties of the first class are able financially to maintain separate institutions, the need for modernized facilities for the state at large is more imperative than that of Hudson and Essex counties alone. The care of the insane is, primarily, a state function.

As a further step in our conclusion it has been noted that county centralization of municipal functions has, in certain instances, been beneficial, if not necessary. To illustrate: The county park commission has planned and is developing a system of parks with a view of benefiting the entire county rather than any one municipality; this the individual municipalities are unable to do. In order to develop public parks in places which are accessible to the county population at large, it is necessary to invest money on a large scale which the smaller municipal units could in no way afford to bear. The county park system is, perhaps, the best argument based upon practical experience in Hudson County, for county centralization of municipal functions. Other illustrations, however, occur

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<sup>7</sup> *Supra*, Ch. 4.

in the Tuberculosis Hospital and Sanatorium, also in the County Board of Taxation.<sup>8</sup>

While we have given much attention to the administrative side of the county government, it has not been attempted to discuss the influences that are brought to bear on the county administration in what has become currently known in this country as "politics." From the point of view of party politics, Hudson County presents an excellent opportunity for analysis in respect to the interrelation of "politics" and government. The county has not been without its invisible government; its "boss" system has flourished. Officials have been nominated dictatorially by the party leaders, and even under the new direct primary, a candidate may represent some individual party faction and command a sufficient following among the office holding class to make his nomination acceptable to the party leader. "Tickets," as we understand the term, are still prearranged and agreed upon; and the position of party leader in the county is the most important prize which the county's extra-legal government affords. If the party leader of the county draws his support from his ability to hand out "jobs," he becomes a "boss" and is decried as a public menace. But if he commands support among the respectable and is interested in improving the county administration in every way possible, he is welcomed as the supreme director in the county whose services are necessary in supplying unity to that disjointed and complex county government which we have attempted to describe in the preceding chapters.

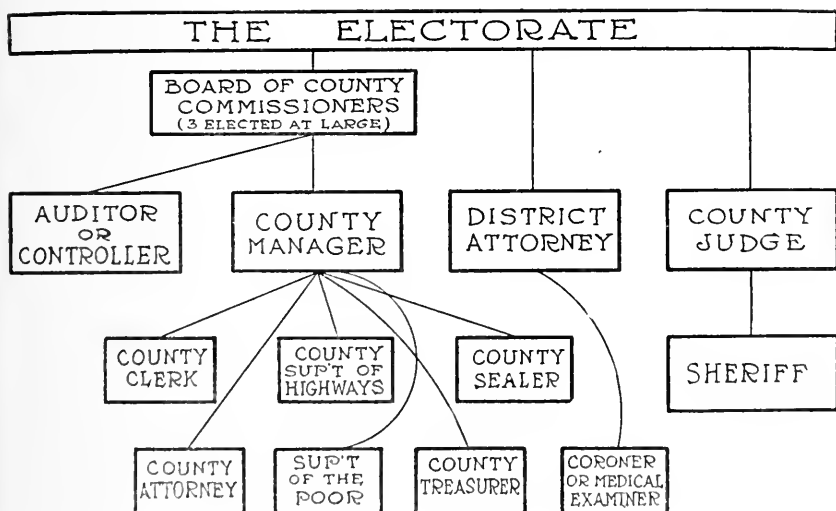
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<sup>8</sup> *Supra*, Chs. 4 and 6.



# APPENDIX

## A SUGGESTED FORM FOR COUNTY GOVERNMENT



## BIBLIOGRAPHY; HUDSON COUNTY GOVERNMENT, (N. J.)

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### Legal:

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General Laws N. J., 1910-14.

### Official Reports:

Minutes of the Board of Freeholders, 1912-14.

Annual Reports:

County Collector.

Park Commission.

Mosquito Commission.

State Board of Children's Guardians

Tuberculosis Hospital Commission.

County Supervisor (January, 1914.)

Individual Officers, (Minutes).

State Controller.

State Civil Service Commission.

State Commission on Taxation.

### Newspapers:

Jersey Journal.

Hudson Observer.

Citizens Bulletin.

## VITA

The writer was born January 27, 1886, at Brookville, Indiana. He received his early education in the public schools of Franklin, Indiana. He was a member of the graduating class of Franklin College, Indiana, of 1907.

For two years following his graduation he was principal of the high school at Shelbyville, Indiana. For the two years following this he was in residence at Columbia University as a student in Public Law and Politics. In 1912-13 he was instructor in politics in Columbia University. In 1913-14 he was instructor in government at New York University. In the summer of 1914 he took up civic work in New Jersey as secretary of the Citizens Federation of Hudson County, and from the results of his work in this position, the present survey of the county government was completed.

EARL WILLIS CRECRAFT.

Jersey City, New Jersey.

April 8, 1915.















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